

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2016

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.9286 of 2016

1.S.Baskaran

2.S.Parvathi

... Petitioners

Vs.

1.The District Collector,
Erode District, Erode.

2.The Revenue Divisional Officer,
Erode District.

3.The Tahsildar,
Perundurai Taluk,
Erode District.

4.The Village Administrative Officer,
Murungathozhuvu Village,
Perundurai Taluk,
Erode District.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus to direct the respondents to consider and pass orders on the representation made by the petitioner dated 10.12.2015 regarding cancellation of conditional patta in respect of the land comprised in Old.S.No.572/B, R.S.No.706/3, 4, 5 to an extent of 1.97 acres situated at Murungathozhuvu village, Perundurai Taluk, Erode District and to include the same in the revenue records within the time to be stipulated by this Court.

For Petitioners : Mr.R.Chandrasekaran

For Respondents : Mr.R.A.S.Senthilvel, AGP.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioners has come forward with the present Writ Petition seeking for issuance of mandamus to direct the respondents to consider and pass orders on the representation made by the petitioners dated 10.12.2015 regarding cancellation of conditional patta in respect of the land comprised in Old.S.No.572/B, R.S.No.706/3, 4, 5 to an extent of 1.97acres situated at Murungathozhuvu village, Perundurai Taluk, Erode District and to include the same in the revenue records.

3.The petitioners states that the agricultural land comprised in Old S.No.572/B, RS.No.706/3, 4, 5 to an extent of 1.97acres, situated at Murungathozhvu Village, Perundurai Taluk, Erode District is in possession and enjoyment of petitioners by way of inheritance as well as by way of execution of sale deeds. Originally, the said land measuring 1.97acres was in possession and enjoyment of first petitioner's grand father/Aaran and patta was also standing in his favour. Out of 1.97acres of land, an extent of 98½ cent was purchased by first petitioner's father/Subramanian and his Aunt/Kamatchi on 12.06.1980 vide sale deed executed by Aaran in Doc.No.460/1980 on the file of Sub Registrar, Chennimalai. Thereafter, the said Kamatchi sold her half share i.e, 49¼ cents to the first petitioner's uncle/Marudhamuthu on 19.04.1995 vide registered sale deed in document No.555/1995.

4.The first petitioner is the only son of Subramanian and after the death of Subramanian his share 49 ¼ cents devolved on the first petitioner. Thereafter, the 49¼ cents belong to Marudhamuthu was also purchased by the petitioners through sale deed dated 28.12.1995 in Document No.1451/1995 on the file of Sub Registrar, Chennimalai. Afterward, the petitioner purchased the remaining extent of 98½ cents belong to one Natarajan (i.e, paternal uncle of first petitioner) vide sale deed dated 04.04.1996 in Document No.359 of 1996 on the file of Sub Registrar, Chennimalai. Thus, the petitioners are in possession and enjoyment of said agricultural land to an extent of 1.97acres at Murungathozhuvu Village, Perundurai Village, Erode District.

5.The petitioners submit that in the above said land they are doing cultivation for their livelihood. Due to their family circumstances, the petitioners were not able to include the said lands in the revenue records. On verification, the said land is shown as "Ryotwari" in the revenue records. The petitioners made several representations to the respondents to include the land in the revenue records, the respondents simply rejected the claim of the petitioners stating that conditional patta was issued to the said lands.

6.The first petitioner further states that originally his grand father purchased the said land and engaged in agricultural

activities. Thereafter, the petitioners purchased the lands through sale deeds, at the time of purchase of the said lands they are patta lands. Further, the revenue department has fixed the guideline value for the petitioner's agricultural lands and subsequently, the guideline value was reduced.

7. In the meanwhile, the petitioners approached the revenue authorities several times for provision of crop loan, electricity connection, purchase of fertilizers and seeds on subsidy rate etc., the same are denied, that the petitioners land has only conditional patta. Thereafter, the petitioners approached the respondents to include their name in the revenue records, the same was not also considered. On 10.12.2015, the petitioners made representation to the respondents 2 and 4, but till date no action has been taken by the respondents. Hence, the petitioners approached this Court by way of present writ petition.

8. Heard the submissions of learned counsel appearing for the petitioners and the learned Additional Government Pleader who accepts notice on behalf of the respondents.

9. Considering the facts and circumstances and without going into the merits of the same, this Court directs the respondents to consider the representation of the petitioner dated 10.12.2015 and pass orders on merits and in accordance with law, within a period of eight weeks, from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioners as well as to the necessary parties, if any. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioners.

10. The writ petition is disposed of accordingly. No costs.

tsh

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar

To

1. The District Collector,
Erode District, Erode

2.The Revenue Divisional Officer,
Erode District.

3.The Tahsildar,
Perundurai Taluk,
Erode District.

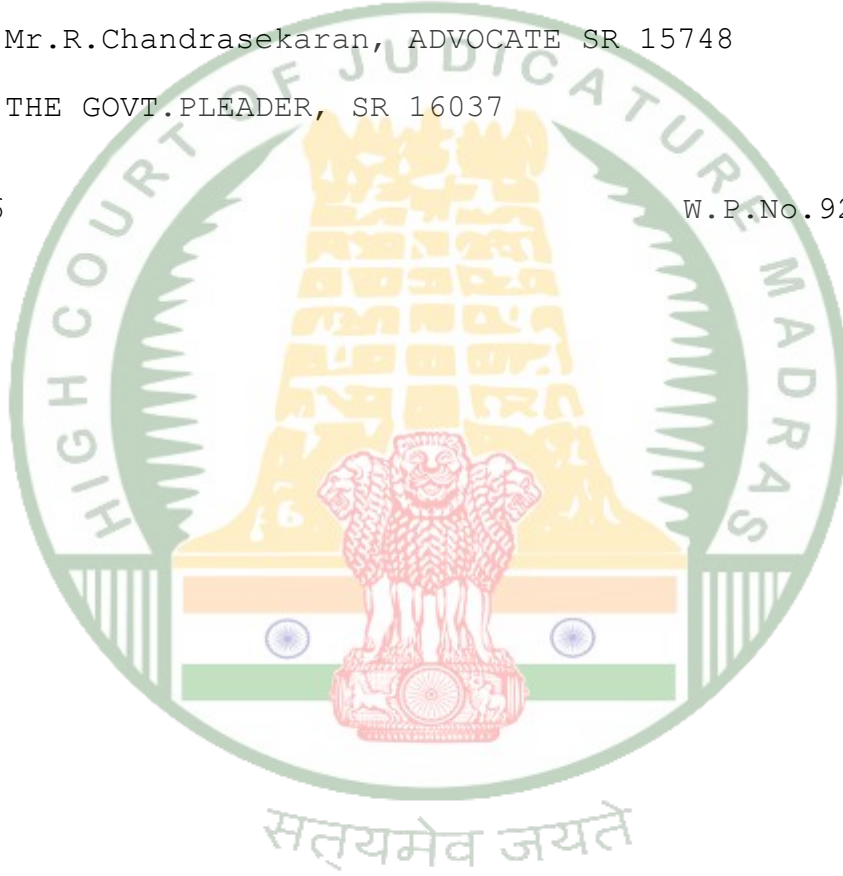
4.The Village Administrative Officer
Murungathozhuvu Village,
Perundurai Taluk,
Erode District.

+ 1 CC TO Mr.R.Chandrasekaran, ADVOCATE SR 15748

+ 1 CC TO THE GOVT.PLEADER, SR 16037

KR/21/3/16

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