

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.9924 of 2016

Subramanian

.. Petitioner

Vs.

1. The District Collector,
Kancheepuram Collectorate Complex,
Kancheepuram District,
Kancheepuram.
2. The District Revenue Officer,
Kancheepuram Collectorate Complex,
Kancheepuram District,
Kancheepuram.
3. The Tasildhar,
Chengalpattu Taluk,
Kancheepuram District.
4. Gowri

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent to dispose of the petitioner's representation, dated 05.02.2016 within stipulated period of time.

For Petitioner : Mr.T.Muruganantham

For Respondents : Mr.M.Dig Vijay Pandian, Addl.G.P
for RR-1 to 3

ORDER

The petitioner prays for issuance of a Writ of Mandamus to direct the second respondent to dispose of the petitioner's representation, dated 05.02.2016 within stipulated period of time.

2. It is averred by the petitioner in the affidavit filed in support of the Writ Petition that he is residing in Maraimalai Village, Kancheepuram District, with his family members. The

petitioner originally belonged to Valachai Village, Tiruporur Taluk, Kancheepuram District. During his father's period, they moved on to Kancheepuram District. It is further stated by the petitioner that in his native village Valachai, his father was having three agricultural lands in Survey No.44/4 with 40 cents, S.No.47/9 with 21 cents and S.No.68/8 with 47 cents and the petitioner's family is in continuous possession and enjoyment of the said lands. Until the introduction of the UDR Scheme for issuance of patta, the above referred lands stood in the name of the petitioner's father. An error has crept in, in the issuance of patta under the UDR Scheme, whereby, in respect of the land of an extent of 40 cents in S.No.44/4, the name of one Thalaseina Naicker was entered instead of his father's name. With regard to the other two lands, his father's name is reflected. It is further stated that after the petitioner's father's death in 1975, the petitioner is the sole legal heir. When the petitioner checked the Revenue Records in respect of his father's lands, he came to know that S.No.44/4 in Valachai Village stands in the name of Thalaseina Naicker, who does not have any right whatsoever over the property. Hence, stating that a wrong entry is made in the patta issued under the UDR Scheme, the petitioner, initially made a representation to the third respondent, along with necessary copies of necessary Revenue documents, for correction of the said mistake in the patta in respect of S.No.44/4. Though the said representation was received by the third respondent, the third respondent did not take any action. It is the grievance of the petitioner that in his old age of 70 years, he is suffering from age-related ailments and finds it difficult to follow the procedure to correct the name which was wrongly mentioned in the patta. Moreover, the said Thalaseina Naicker also passed away in 2010 and his wife is one of the legal heirs, who is the fourth respondent herein. It is further stated by the petitioner that the second respondent has powers to correct the entries in the patta issued under the UDR Scheme. Subsequently, the petitioner also gave a representation, dated 05.02.2016 by RPAD to all the respondents, along with Adangal Register, Encumbrance Certificate, etc. Though the said representation has been acknowledged/received by the respondents, no action is taken. Hence, the petitioner has filed this Writ Petition for the above relief.

3. Heard both sides. In view of the order that is going to be passed in this Writ Petition, it is not necessary to issue notice to the fourth respondent.

4. Considering the limited scope of the prayer made in the Writ Petition, taking into consideration the above facts and circumstances of the case and without going into the merits of the claim of the petitioner, this Court directs the second respondent to consider the said representation, dated 05.02.2016

of the petitioner, conduct enquiry, give an opportunity of hearing to the petitioner and other necessary parties, including the fourth respondent, and thereafter pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the respondents to decide the same.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

cs

s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

Copy to

1. The District Collector,
Kancheepuram Collectorate Complex,
Kancheepuram District,
Kancheepuram.
2. The District Revenue Officer,
Kancheepuram Collectorate Complex,
Kancheepuram District,
Kancheepuram.
3. The Tasildhar,
Chengalpattu Taluk,
Kancheepuram District.

+ 1 cc to Mr.T.Murugaanantham, Advocate, SR 17275

+ 1 cc to Govt.Pleader, High Court, Madras SR 17363

svi(co)
prk1/4

W.P.No.9924 of 2016

WEB COPY