



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 14.06.2016

CORAM

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.10391 of 2016

P.R.Jeyabalan

..Petitioner

Vs

The Tahsildar,
Kodaikanal Taluk,
Kodaikanal,
Dindigul District.

..Respondent.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to change the classification of the Petitioner's land in Old S.No.40/1-C, Ward-C, Block -15, T.S.No.1 measuring to an extent of 10 cents situated at Naidupuram, Villpatti Village, Kodaikanal Town and Taluk, Dindigul District and issue patta by considering his representation dated 28.12.2015 and 25.5.2016 within the period stipulated by this Court.

For Petitioner :M/s.N.Sathish Babu
For Respondent :Mr.J.Gunaseelan Muthiah
Govt.Advocate

ORDER

Heard both sides.

2.By consent of both sides, the main Writ Petition itself is taken up for final disposal.

3.According to the Petitioner, his mother purchased three items of property situated at Naidupuram, Villpatti Village, Kodaikanal Town and Taluk, Dindigul District by means of a registered sale deed, dated 7.12.1972 from one Thulasiammal, for a valuable consideration. After the demise of his mother, he along with his brothers inherited the above said properties and are in absolute possession and enjoyment of the same. During UDR Scheme, the classification of their property in Old S.No.40/1-C measuring to an extent of 10 cents was wrongly classified as 'Mudaliar's land'. As such, on 28.12.2015, the Petitioner had approached the Respondent and submitted a representation to change the classification.



4.The stand of the Petitioner is that on 29.12.2015, the Respondent/The Tahsildar, Kodaikanal Taluk, Kodaikanal, Dindigul District issued a notice to him and directed him to appear for an enquiry in this regard along with relevant records to substantiate his claim. He had attended the enquiry on 19.01.2016 and submitted a copy of the sale deed and other relevant documents and requested the Respondent to consider his claim and issue patta in his favour.

5.The primordial grievance of the Petitioner is that more than six months is over and till date, no concrete or positive steps has been taken by the Respondent on his claim as regards the classification of his property and for issuance of patta, despite his repeated endeavours.

6.The Petitioner once-again on 25.05.2016 approached the Respondent and submitted his representation to look into his claim, for which also no concrete steps have been taken. Hence the Petitioner is constrained to file the present Writ Petition before this court.

7.It is not in dispute that the Revenue Tahsildar, Kodaikanal on 29.12.2015 had issued an enquiry notice to the Petitioner (marking a copy to the Village Administrative Officer, Kodaikanal) requiring him to appear on the enquiry date with village accounts and this fact was intimated to the Petitioner. As a matter of fact, the enquiry was fixed on 19.1.2016 at about 11.00 a.m. Till date, based on the enquiry notice issued by the Revenue Tahsildar, Kodaikanal addressed to the Petitioner(with a copy being marked to the Village Administrative Officer, Kodaikanal), there is no substantial progression in the subject matter in issue. Per contra, there appears to be a stalemate.

8.Therefore, this Court based on Equity, Fair Play, Good Conscience and even as a matter of prudence, at this stage, simpliciter, directs the Respondent to look into the representation of the Petitioner, dated 28.12.2015 and 25.5.2016 and also the copy of the enquiry notice dated 29.12.2015, within a period of one week from the date of receipt of a copy of this order. Thereafter, the Respondent is to seriously consider the representations of the Petitioner dated 28.12.2015 and 25.5.2016 and to dispose of the same by passing a reasoned speaking order on merits(of course after providing necessary opportunity to the Petitioner and others concerned, if any by adhering to the principles of natural justice in true letter and spirit) and in case, if personal hearing/enquiry is required, that also may be offered by the Respondent, within a period of four weeks from the date of receipt of a copy of this order. It is open to the Respondent to call for any other relevant documents/records from the Petitioner and other Revenue Authorities and further, the



Petitioner is directed to lend his co-operation and assistance for the disposal of the representations by the Respondent in a complete and comprehensive manner.

9. With the aforesaid observations and directions, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (Writs)

/True copy/

Sub Assistant Registrar

To

The Tahsildar,
Kodaikanal Taluk,
Kodaikanal,
Dindigul District.

+1cc to M/s. N. Sathish Babu, Advocate SR.No.30113
+1cc to Special Government Pleader SR.No.30506

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