



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.07.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.12649 of 2016

S.Anthonysamy

... Petitioner

Vs.

1.The Tahsildar,
Office of the Taluk Office,
Tiruverambur, Trichy District.

2.The Village Administrative Officer,
Theneripatti Village,
Tiruverumbur Taluk,
Trichy District.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents herein to issue the computerised patta to the petitioner in respect of the property comprised in Survey No.138/1 situated at Theneripatti Village, Thiruverumbur, Trichy District in pursuance of the order passed by the first respondent in N.Ka.TK No.A/2/7225/2015 dated 27.11.2015 and on the basis of the petitioner's representation dated 30.04.2016 within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.S.Kumar

Addl. Govt. Pleader

ORDER

Heard both sides.

2. By consent, the the main writ petition itself is taken up for final disposal.

3. No counter is filed on behalf of the respondents.

4. According to the petitioner, he has filed the present writ petition praying for passing of an order by this Court in directing the respondents to issue computerised patta to him, in respect of the property comprised in Survey No.138/1 situated at Theneripatti Village, Thiruverumbur, Trichy District, in pursuance of the order passed by the first respondent in Na.Ka.TK



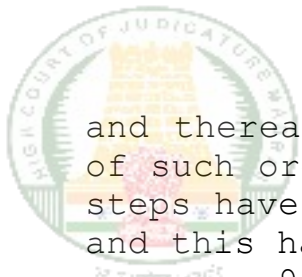
No.A/2/7225/2015 dated 27.11.2015, on the basis of his representation dated 30.04.2016 within the time stipulated by this Court.

5. The specific case of the petitioner is that he is the owner of the land in Sy.No.138/1, situated at Theneripatti Village, Thiruverumbur Taluk, Trichy District, measuring an extent of 0.82 cents. Originally, his father was in exclusive possession of the property for the past 50 years and he was cultivating the said property and eked out his livelihood. After his demise, he is in possession and enjoyment of the said property without any interruption from any quarters.

6. The Government of Tamil Nadu, considering his long possession and enjoyment of the property in question especially his act of cultivation, had issued an assignment patta bearing No.49/1409, dated 10.07.1999 in his name in respect of his property. Thus, he is in peaceful possession and enjoyment of the property and he is paying all the necessary taxes before the Revenue Authorities. All the records including patta, chitta and adangal were changed in his name and as on date, all the revenue records are standing in his name only.

7. The grievance of the petitioner is that the Office of the first respondent/Tahsildar, Office of Taluk Office, Thiruverumbur, Trichy District had issued a computerised patta in his name in respect of the property in question by wrongly mentioning as 'Tharisu', in spite of his name. After finding out the mistake, he had personally visited the office of the first respondent and met the officials concerned from time to time, besides submitting representations to delete the word 'Tharisu' and to include his name in the said column in the revenue records and issue a fresh computerised patta in his name. The first respondent/Tahsildar, Office of the Taluk Office, Tiruverumbur, Trichy District, had finally directed the Village Administrative Officer and the Land Surveyor to conduct necessary enquiry of the said property and thereafter, the Village Administrative Officer and the Land Surveyor had conducted necessary inspection of his property and perused all the records standing in his name and also obtained statement from the neighbours and after making thorough enquiry, the Village Administrative Officer and the Land Surveyor had recommended to the first respondent to delete the word 'Tharisu' and include his name and issue the computerized patta in his name in respect of the property in question.

8. After receipt of such report from the Village Administrative Officer and the Land Surveyor, the first respondent/Tahsildar, Office of the Taluk Office, Tiruverumbur, Trichy District, by means of a proceedings, dated 27.11.2015 had ordered for issuance of computerized patta in the petitioner's name and deleting the word 'Tharisu' in respect of his property



and thereafter to issue computerised patta in his name. In spite of such order passed by the first respondent, till date no further steps have been taken to issue the computerised patta in his name and this had caused severe mental agony and hardship to him.

9. It is the plea of the petitioner that he made a detailed representation to the respondents on 30.04.2016, making a request to issue computerised patta, on the basis of the orders issued by the first respondent. In spite of such representation, no action has been taken till date by the respondents. Hence, the petitioner has filed the present writ petition.

10. Considering the fact that the petitioner's representation dated 30.04.2016 is pending before the first respondent/Tahsildar, Office of the Taluk Office, Tiruverumbur, Trichy District in connection with the request for issuance of computerised patta in respect of the subject matter of the property in question, at this stage, this Court, in the interest of Justice and Fair Play, directs the first respondent to immediately look into the representation of the petitioner dated 30.04.2016, without any further loss of time and that too within a period of one week from the date of receipt of copy of this order. Thereafter, the first respondent/Tahsildar, Office of the Taluk Office, Tiruverumbur, Trichy District, is to pass a reasoned, speaking order in the subject matter in issue, (of-course after affording necessary opportunity to the petitioner and others concerned, by following the principles of Natural Justice), within a period of 2 weeks thereafter. In case, the first respondent/Tahsildar, Office of the Taluk Office, Tiruverumbur, Trichy District is in need of relevant documents/copy of records from the petitioner, then, the same can be obtained by serving a memorandum to the petitioner and soon after receipt of the same, the petitioner is to satisfy with the requirement of the first respondent in this regard without any hesitation or haziness. On receipt of such records/copies of documents concerned, the first respondent/Tahsildar, Office of the Taluk Office, Tiruverumbur, Trichy District shall pass orders in the subject matter in issue with the time determined by this Court, as stated supra. The petitioner is also required to render his assistance and unstinted co-operation to the first respondent/Tahsildar, Office of the Taluk Office, Tiruverumbur, Trichy District so as to enable him to do the needful in favour of him, in the subject matter in issue.

11. With the aforesaid observation(s) and direction(s), the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar



To

1.The Tahsildar,
Office of the Taluk Office,
Tiruverambur,
Trichy District.

2.The Village Administrative Officer,
Theneripatti Village,
Tiruverumbur Taluk,
Trichy District.

+1 cc to M/s.B.Jameel Arasu, Advocate in SR.No.37701
+1 cc to The Special Government Pleader in SR.No. 37905

VS

CSL/ARK-PV/26.07.2016 : 4p/5c

**Writ Petition (MD) .No.12649 of 2016
19.07.2016**