



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2016

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WEB COPY

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P(MD)No.15390 of 2016

L.Bharathiraja

... Petitioner

Vs.

1.The District Revenue Officer,
Thoothukudi,
Thoothukudi District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Thoothukudi District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 03.08.2016 for rectifying the mistakes in FMB in Survey No.461/11 Revenue Office, Thoothukudi, Thoothukudi District.

For Petitioner : Mr.J.Senthil Kumar
For R-1 & R-2 : Mr.J.Gunaseelan Muthaiah,
Government Advocate

O R D E R

Heard both sides.

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

3. No counter-affidavit is filed on behalf of the Respondents.

4. According to the Petitioner, his father viz., Linga Konar, executed Gift Deed bearing Document No.1887/2013, dated 06.05.2013. As a matter of fact, the patta was transferred in his name in Survey No.461/11. As a matter of fact, the said Survey number contains 7.41 cents. The Settlement Deed and patta mentions only 7.41cents. However, the FMB discloses less than 7.41 cents. Therefore, he made a representation to the First District Revenue Officer, Thoothukudi, to rectify the mistake in FMB, based on the Gift Deed executed by his father and the computerized patta bearing Document No.1887/2013.



5. Admittedly, the Petitioner's representation, dated 03.08.2016, addressed to the Respondent Nos.1 and 2, seeking to rectify the FMB based on the Gift Deed executed by his father and the computerized patta in Survey No.461/11, is pending as on date, without any progress or disposal.

6. Considering the fact that the Petitioner's representation, dated 03.08.22016, is pending before the Respondent Nos.1 and 2, without any significant progress, at this stage, this Court, without delving deep into the merits and contents of the representation of the Petitioner, dated 03.08.2016 and also not expressing any opinion one way or other, to secure the ends of justice, directs the Respondent Nos.1 and 2 to look into the representation of the Petitioner, dated 03.08.2016, with all earnestness and seriousness, within a period of one week from the date of receipt of a copy of this order. Thereafter, the Respondent Nos.1 and 2, are directed to pass a reasoned speaking order on merits based on the representation of the Petitioner, dated 03.08.2016 in a dispassionate and objective manner (Of course after adhering to the Principles of Natural Justice by issuing notice to the Petitioner and others concerned if any, who are interested in the subject matter in issue), within a period of three weeks thereafter. In case, the Respondent Nos.1 and 2 are in requirement of any copy of relevant records/copy of documents, as the case may be, then, it is open to the respondent Nos.1 and 2 to call for such records/documents from the possession of the Petitioner by means of issuance of memo and soon after receipt of such memo, it is incumbent on the part of the Petitioner to comply with the plea/request made by the Respondent Nos.1 and 2 without any haziness or hesitation, as expeditiously as possible, so as to enable the Respondent Nos.1 and 2, to do the needful, within the time adumbrated by this Court, as stated supra. Needless for this Court to make a significant mention that the Petitioner is to render his assistance and instinted co-operation to the Respondent Nos.1 and 2 in the subject matter in issue.

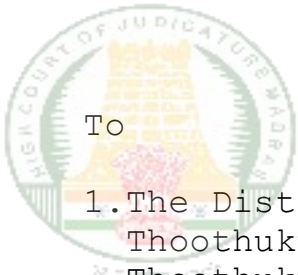
With the above said Direction(s)/Observation(s), this Writ Petition stands disposed of. No Costs.

Sd/

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar.



To

1.The District Revenue Officer,
Thoothukudi,
Thoothukudi District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Thoothukudi District.

+1CC to M/S.J.Senthilkumar, Advocate, SR.No. 45736
+1CC to the Special Government Pleader, SR.No. 46161

W.P (MD) No.15390 of 2016
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