



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 17.08.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.9729 of 2016

Chelliah

..Petitioner

Vs

1.The Assistant Director,
Land Records,
Tanjore District.

2.The Assistant Director,
Land Records,
Pudukkottai District.

(Cause title amended vide Court order
of this Court made in W.M.P (MD) No.10611 of 2016,
dated 8.8.2016) ..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to furnish the documents in respect of the property which have been mentioned in Annexure with this Writ Petition based on the Petitioner's representation, dated 12.4.2016.

For Petitioner :M/s.RM.Arun Swaminathan

For Respondents :Mr.S.Kumar
Addl.Govt.Pleader

ORDER

Heard both sides.

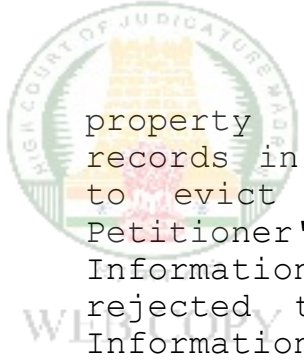
2.By consent of both sides, the main Writ Petition itself is taken up for final disposal.

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

4.According to the Petitioner, his grand-father namely, Paraman got settlement from His Excellency Raja Saraboji, Tanjore and in fact, the settlement was registered in the Office of the Registration Department in the year 1828. In fact, those documents were registered on 5th, 13th and 25th November 1828.

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5.The clear-cut case of the Petitioner is that now the



property was encroached by some people without having proper records in their possession. Therefore, the Petitioner had decided to evict them in a lawful manner. In fact, one Selvaraj, Petitioner's relative sought information under the Right to Information Act before the Respondents/Authorities and they have rejected the claim under Section 6(3)(ii) of the Right to Information Act. Against which, an appeal was filed before the State Information Commission and the same was rejected.

6.The plea of the Petitioner is that he has to institute legal proceedings against the encroachers and they are having only the parent document. Further, because of their illiteracy and being poor, the authorities have made the Petitioner to run from pillar to post. As such, he sent a representation to the Respondents on 12.4.2016. Since there is no action on the side of the Respondents, the Petitioner has filed the present Writ Petition before this Court.

7.Considering the fact that the Petitioner has sent a representation, dated 12.4.2016 addressed to the Respondents mentioned therein and the same is pending without any progress or disposal, this Court in the interest of justice, Equity, Fair Play, Good Conscience and even as a matter of prudence, directs the Respondents to look into the representation of the Petitioner, dated 12.4.2016 within a period of one week from the date of receipt of a copy of this order and thereafter, 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) within a period of three weeks thereafter. It is open to the Petitioner to produce copies of all necessary/relevant documents before the Respondents and the Respondents in-turn shall take into consideration of the same at the time of disposal of the representation of the Petitioner, dated 12.4.2016. The Petitioner is directed to lend his assistance and co-operation to the Respondents, in disposing of his representation, dated 12.4.2016 within the time fixed by this Court, as stated supra.

8.With the aforesaid observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

vsn

To

<https://hcservices.ecourts.gov.in/hcservices/>

1.The Assistant Director,
Land Records, Tanjore District.



2.The Assistant Director,
Land Records,
Pudukkottai District.

+1 cc to Mr.R.M.ARUN SWAMINATHAN,Advocate, Sr.No: 45222

+1cc to M/S Special Government Pleader, Sr No. 45329

jam/24.08.16/AAL-MPA/ 3P-6C

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