



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 07.06.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P(MD)No.9974 of 2016

N.Mohammed Junaid

..Petitioner

Vs

1.The Special Commissioner for Land Administration,
Ezhilagam,
Chepauk,
Chennai - 600 005.

2.The District Revenue Officer,
Thanjavur,
Thanjavur District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to pass appropriate orders on the representation of the Petitioner dated 6.10.2015 for re-classifying the property in S.No.235 of 149, Eripurakarai Village, West East Side, Samuthiraveli, Veppal, Tharisu ad-measuring to an extent of 7 acres and 63 cents, having new S.No.235/2 within the time stipulated by this Court.

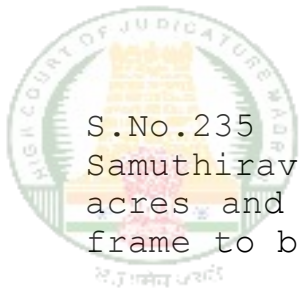
For Petitioner :M/s.S.C.Herold Singh
For Respondents :Mr.J.Gunaseelan Muthiah
Govt.Advocate.

ORDER

Heard both sides.

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

3.At the outset, the learned counsel for the Petitioner submits that the Petitioner has filed the present Writ Petition praying for passing of an order in directing the first respondent/The Special Commissioner for Land Administration, Ezhilagam, Chepauk, Chennai - 600 006 to pass appropriate orders on the representation of the Petitioner, dated 6.10.2015, wherein, a request was made for re-classification of the property in



S.No.235 of 149, Eripurakarai Village, West East Side, Samuthiraveli, Veppal, Tharisu ad-measuring to an extent of 7 acres and 63 cents having (new S.No.235/2) within the time time frame to be determined by this Court.

4.The grievance of the Petitioner is that he was informed by the revenue authorities that the land in question was classified as ''salt pan''. Immediately, he requested the authorities, namely the Tahsildar and the Revenue Divisional Officer to re-classify the land. But he was informed that the authority to re-classify the property is only the first respondent. As such, he made a representation, dated 6.10.2015 to the first respondent to re-classify the lands as his patta land. Soon after the receipt of his application, the first respondent had sought for a report from the second respondent, by means of proceedings, dated 26.10.2015. Although the Petitioner approached the second respondent on several occasions in this regard, there is no response from the second respondent.

5.The stand of the Petitioner is that the co-owners of the property in S.No.235 of 149, Eripurakarai Village, West East Side, Samuthiraveli, Veppal, Tharisu who had also inherited the property by means of a suit in O.S.N o.54 of 1910, was granted patta and they were enjoying the property as their patta lands till today.

6.In view of the fact that the Petitioner in the present Writ Petition has only sought for passing of an order by this Court in directing the first respondent to pass appropriate orders on his representation, dated 6.10.2015 praying for re-classification of the property in S.No.235 of 149, Eripurakarai Village, West East Side, Samuthiraveli, Veppal, Tharisu, ad-measuring to an extent of 7 acres and 63 cents(New S.No.235/2), this Court, in the interest of justice and fair play, directs the first respondent to look into the representation of the Petitioner, dated 6.10.2015 with all earnestness and seriousness and to dispose of the same by passing a reasoned speaking order on merits within a period of four weeks from the date of receipt of a copy of this order(of course by providing adequate opportunity to the Petitioner and others concerned by adhering to the principles of natural justice).

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

Sd/-

Assistant Registrar(CS-I)

/True copy/



To

1.The Special Commissioner for Land Administration,
Ezhilagam, Chepauk, Chennai - 600 005.

2.The District Revenue Officer,
Thanjavur, Thanjavur District.

+1 cc to M/s.S.C.Herold Singh, Advocate in SR.No.28467
+1 cc to The Special Government Pleader in SR.No. 28299

SDR/SKS-RR/SAR-III/15.06.2016 :3P/5C

W.P (MD) No.9974 of 2016
07.06.2016