

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.36390 OF 2016

ORDER:

This Writ Petition under Article 226 of the Constitution of India is preferred by the petitioner seeking the following relief:

“ to issue Writ of Mandamus declaring the impugned action of the respondent No.3 while proposing to cancel pattadar pass books without due process of law as illegal, arbitrary, unjust and also against the statutory obligation especially section 10 of Survey and Boundaries Act 1923 and consequently direct the 3rd respondent to conduct survey as required under the Act and pass such other order or orders as the Honourable Court may deem fit and proper in the circumstances of the case.”

Heard the learned counsel for the petitioner as well as the learned Assistant Government Pleader for Revenue (TG) for respondents. With their consent, the writ petition is disposed of at the stage of admission itself.

Though the petitioner questions the action of the 3rd respondent in proposing to cancel his pattadar pass books without issuing any notice, his main request is to direct the 3rd respondent to inspect the subject land.

Learned AGP would submit that in the absence of any application for inspection, the question of directing the 4th respondent to conduct survey would not arise.

At this stage, the learned counsel for the petitioner submits that petitioner will make a suitable application and the same may be directed to the considered.

Having regard to the rival submissions made, the writ petition is disposed of directing the petitioner to make an application seeking survey of his land in prescribed form, in which event, the same shall be considered by the 4th respondent in accordance with law as early as possible preferably within a period of six weeks from the date of receipt of such application.

Miscellaneous petitions pending in this writ petition, if any, shall stand closed. There shall be no order as to costs.

Date: 28.10.2016
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C. PRAVEEN KUMAR, J

