

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.03.2017

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THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

WP.No.5895/2017

Mr.V.Annadurai

.. Petitioner

Versus

1.The Revenue Divisional Officer
Department of Revenue Division,
Dharmapuri District.

2.The Tahsildar
Dharmapuri Taluk, Dharmapuri District.

3.The Village Administrative Officer
Pallakollai Village, Dharmapuri Taluk
Dharmapuri District.

4.Mr.V.Perumal

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 2nd respondent to consider the petitioner's representation dated 25.11.2015 to take final decision on the petitioner's representation dated 26.08.2013 to cancel the patta No.1003 in respect of 0.20.00 Ares in S.No.737/1B and 0.22.50 Ares in S.No.738/2B of Chetiikkarai Village and Patta No.1695 in respect of land measuring 0.7.00 Ares in S.No.738/2D of Chettikkarai Village which stands in the name of the 4th respondent.

For Petitioner	:	Mr.A.Ilaya Perumal
For R1 to R3	:	Mr.R.S.Selvam, GA

ORDER

By consent, the writ petition is taken up for final disposal. Mr.R.S.Selvam, learned Government Advocate accepts notice on behalf of the respondents 1 to 3.

2 The petitioner claims that the lands admeasuring 0.7.00 Ares in S.No.738/2D ; 0.20.00 Ares in S.No.737/1B and 0.22.50 Ares in S.No.738/2B of Chettikkarai Village, Dharmapuri Taluk and Post belong to him and patta and other revenue records also stand in his name. It is further averred that the 4th respondent who is none other than his brother and who is in the services of Survey Department, by extorting influence, has changed the patta in respect of lands in S.No.738/2B in his favour and in this regard, the petitioner has submitted a representation dated 25.11.2015 to the 2nd respondent, bringing to his knowledge that without putting him on notice, the said change has been effected and prays for rectification of the same and since he is yet to be given any kind of reply, came forward to file this writ petition.

3 Heard the learned counsel for the petitioner and Mr.R.S.Selvam, learned Government Advocate appearing for the respondent who would submit that the remedy open to the petitioner is to file an appeal before the Revenue Divisional Officer, Dharmapuri and as and when, such an appeal is filed, it will be entertained if the papers are otherwise in order and appropriate orders will be passed in accordance with law.

4 This Court has considered the rival submissions and perused the materials placed before it.

5 Though the petitioner has prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner to file an appeal before the Revenue Divisional Officer, Dharmapuri District, within a period of two weeks from the date of receipt of a copy of this order and upon receipt of the same, the said official shall entertain the appeal, if the papers are otherwise in order and after putting the 4th respondent on notice, shall pass appropriate orders on the appeal on merits and in accordance with law within a further period of eight

M.SATHYANARAYANAN, J.,

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weeks thereafter and communicate the decision taken, to the petitioner as well as to the 4th respondent.

6 The writ petition stands disposed of with the above direction. No costs.

10.03.2017

Index : No
Internet : Yes

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To

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