

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.27389 of 2017

Kandayee

... Petitioner

vs.

1. The Commissioner
Land Survey & Tax Scheme
Survey House
Chepauk, Chennai-6.

2. The Tahsildar
Komarapalayam Taluk
Komarapalayam, Namakkal District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 11.04.2016 submitted to the 2nd respondent and 27.04.2017 submitted to the 1st respondent as well as by considering the judgment and decree dated 31.01.2014 passed in O.S.No.378 of 2006 on the file of Principal District Munsif, Trichengode and remove the classification of Odai Poromboke in respect of revenue records Survey No.54/3 situated at Komarapalayam Amani Agraharam Village, Komarapalayam Taluk, Namakkal District and consequentially issue patta to in favour of the petitioner to the above Survey number to an extent of 68 cents.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.P.V.Selvakumar

Additional Government Pleader

for R1 & R2

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O R D E R

Mr.P.V.Selvakumar, learned Additional Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. Heard both sides.

3. The petitioner seeks for a direction to the respondents

to consider her representation dated 11.04.2016 submitted to the second respondent and another representation dated 27.04.2017 submitted to the first respondent wherein and whereby she sought for correction of the revenue records with regard to the classification of the land referred to in the writ petition.

4. The petitioner in support of her claim relies on the Judgment and decree passed in OS.No.378 of 2006 on the file of the Principal District Munsif, Trichengode. The grievance of the petitioner is that the representations are not considered by the respondents, so far.

5. Needless to say that it is for the respondents to consider the request of the petitioner and pass orders on the same on merits and in accordance with law, also by looking into the fact whether the Judgment and decree passed in O.S.No.378 of 2006 has attained its finality. Therefore, this Court, at this stage, is not expressing any view on the claim made by the petitioner, as it is for the respondents to consider and decide the same. Accordingly, the writ petition is disposed of, only by directing the respondents to consider the representations of the petitioner and pass orders on the same on merits and in accordance with law, after hearing the rival claimants, if any. Such exercise shall be done by the respondents within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner
Land Survey & Tax Scheme
Survey House
Chepauk, Chennai-6.

2. The Tahsildar
Komarapalayam Taluk
Komarapalayam, Namakkal District.

+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.75862

W.P.No.27389 of 2017

MSM(CO)
GN(02/11/2017)