

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.35011 of 2013

R.Murali

...Petitioner

Vs.

1.The District Collector,
Namakkal District,
Namakkal.

2.The Revenue Divisional Officer,
Tiruchengode, Namakkal District.

3.The Tahsildar,
Tiruchengode,
Namakkal District.

..... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, praying to call for the records pertaining to the impugned order dated 31.10.2013 made in Mu.Mu.5024/2012/Aa passed by the 2nd respondent, quash the same consequently to direct the respondents to grant patta for the entire extent of 5 cents comprised in Natham S.No.553/2 of Mallasamudiram Kilmugam Village, Tiruchengode Taluk, Namakkal District, in line with the proceedings of the 2nd respondent dated 22.07.2010 and 05.05.2011.

For Petitioner : Mr.R.Nireshkumar

For Respondent : Mr.Akhil Akbar Ali
Government Advocate.

O R D E R

The petitioner has come forward with this petition challenging the impugned order dated 31.10.2013 made in Mu.Mu.5024/2012/Aa stating that there is a delay in approaching the authorities.

2.On going through the documents of the respondent, which is filed in the typed set of papers, there is a memorandum dated 22.07.2010, which shows that the petitioner was in enjoyment of 0.05 cents of land in S.No.261-2. Even though the petitioner preferred to survey the land under Natham Settlement Scheme, in new S.No.553-2, an extent of land of 0.0172.5 Sq.m., alone has been granted patta, in the name of one Ramasamy. Since the communications of the respondent are

in favour of the petitioner, and there is discrepancy in the revenue records and taking note of the fact that more than 20 years has gone by now, the authority could have decided the issue on merits instead of rejecting it on technical grounds.

3.This Court permits the petitioner to file an appeal challenging the order dated 31.10.2003 before the Principal Secretary, Commissioner of Land Administration. The said authority shall look into all the revenue records and the documents furnished by the petitioner and decide the issue on merits, after hearing the petitioner without rejecting it on technical grounds of delay/latches. Such exercise shall be completed within a period of one month from the date of filing an appeal by the petitioner and the petitioner is expected to file an appeal within 30 days from the date of receipt of copy of this order. If no appeal is filed as stated supra, the impugned order dated 31.10.2013 will become final.

4.Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Namakkal District,
Namakkal.
- 2.The Revenue Divisional Officer,
Tiruchengode, Namakkal District.
- 3.The Tahsildar,
Tiruchengode, Namakkal District.
4. The Section Officer,
ER Section, High Court, Madras(Return to Impugned)

+lcc to Mr.N.Manokaran, Advocate SR.No.74373
+lcc to Government Pleader SR.No.74745

W.P.No.35011 of 2013

SS(CO)
GN(23/11/2017)