

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2017

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No. 43236 of 2016

and

W.M.P. No.37080 of 2016

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K. Jaganathan

.. Petitioner

Versus

1. The District Collector
Namakkal District

2. The District Revenue Officer
Namakkal District

3. The Revenue Divisional Officer
Revenue Divisional Office
Namakkal

4. The Tahsildar
Kollimalai
Namakkal

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus directing the third respondent to dispose of the petitioner's representation dated 21.07.2014 which culminated into the enquiry bearing Na.Ka.7302-2015-A6 dated 14.11.2015 in respect of the correction in the extent of property and name of the owner mentioned in Old Survey No.188, Re-Survey No. 733 in patta No.2395 admeasuring 6.28 acres in the FMB sketch and Patta at Kollimalai, Valappur Village, Kollimalai Sub-Registrar Office, Namakkal District at an earlier date.

For Petitioner : Mr. S. Mohan

For Respondents : Mr. S. Rajeswaran
Special Government Pleader.

ORDER

The petitioner seeks for issuance of a Mandamus directing the third respondent to dispose of his representation dated 21.07.2014 which culminated into the enquiry bearing Na.Ka.7302-2015-A6 dated 14.11.2015 in respect of the correction in the extent of property and name of the owner mentioned in Old Survey No.188, Re-Survey No. 733 in patta No.2395 admeasuring 6.28 acres in the FMB sketch and Patta at Kollimalai, Valappur Village, Kollimalai Sub-Registrar Office, Namakkal District at an earlier date.

2. The petitioner would contend that by a registered sale deed dated 18.03.2010, he has purchased the land in question from one K. Mohan and after purchase he has submitted an application seeking to enter his name in the revenue records and to issue patta in his name. On his request, a field measurement was conducted and Patta was issued to the petitioner by assigning new Survey No.733 corresponding to Patta No.2395. According to the petitioner, during re-surveying, the extent of the land was erroneously noted as 0.59.0 Ares instead of 6.28 acres and the name of the petitioner's vendor is still reflected in the patta instead of his name. When the petitioner approached the fourth respondent to make corrections in the revenue records, he was directed to approach the third respondent, who is competent to effect such corrections in the revenue records. The petitioner thereafter submitted representations to the respondents 1 and 2, which were forwarded to the third respondent on 25.07.2014 and 04.08.2014. The third respondent thereafter by a communication dated 23.09.2014 directed the fourth respondent to conduct an enquiry and submit his report. Accordingly, an enquiry was conducted by the fourth respondent on 14.08.2015 and sent his report. On 14.11.2015, the third respondent called upon the petitioner to appear for an enquiry on 20.11.2015 and the petitioner also appeared on that date before the third respondent. However, there was no further progress in the enquiry conducted by the third respondent. The petitioner therefore sent another representation on 24.08.2016 to the second respondent seeking to issue appropriate direction to the third respondent to pass orders on his representation dated 21.07.2014. In spite of the above representations, according to the petitioners, the third respondent has not passed any orders and therefore the present writ petition is filed.

3. I heard the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents. Having regard to the above facts and circumstances, without expressing any opinion as to the merits of the claim made by the petitioner, the third respondent is directed to consider the representation dated 21.07.2014 of the petitioner for effecting change in the revenue records, as pleaded therein, and to pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

4. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS-IV)

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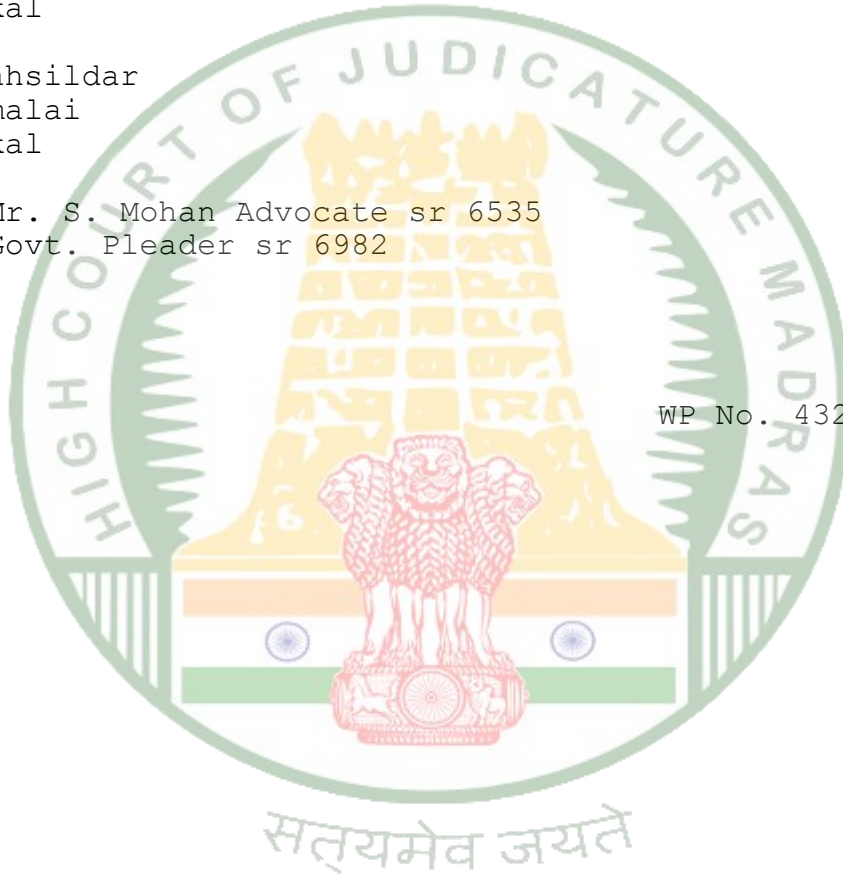
To

1. The District Collector
Namakkal District
2. The District Revenue Officer
Namakkal District
3. The Revenue Divisional Officer
Revenue Divisional Office
Namakkal
4. The Tahsildar
Kollimalai
Namakkal

+1 CC to Mr. S. Mohan Advocate sr 6535
+1 CC to Govt. Pleader sr 6982

LRS (CO)
sp/16/2

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