



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WEB COPY

W.P(MD) No.14066 of 2017

Jai Bhagavan Guptha

... Petitioner

-vs-

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Assistant Director,
District Survey Department,
Sivagangai,
Sivagangai District.

3. The Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 2nd respondent to implement the order passed by the 3rd respondent by his proceedings Na.Ka.A3/2959 dated 02.12.2016 within the period that may be stipulated by this Honble Court.

For Petitioner : Mr.G.Thirunavukkarasu

For Respondents : Mr.A.Muthukaruppan

Addl. Govt. Pleader

O R D E R

This writ petition has been filed, seeking to direct the 2nd respondent to implement the order passed by the 3rd respondent by his proceedings in Na.Ka.A3/2959 dated 02.12.2016.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The case of the petitioner is that the third respondent has passed the impugned order dated 02.12.2016, by which, it was informed that the petitioner had purchased the land in S.No.44/1A from one Sivaraj to the extent of 99 cents in Doc.No.1337/1994 and subsequently, he sold one portion of the land, namely, 72 cents to one Pandi in Doc.No.2011 of 2004 and that the patta, which was issued in the name of Pandi, was registered in the "A" register in Patta No.868. It is the further case of the petitioner that the third respondent has given a direction to the 2nd respondent to



cancel all subdivisions in S.No.44/1A, including UDR S.No.1A1, 1A2, 1A3, 1B1 and 1B2 to enable the 3rd respondent to rectify the error. Though the petitioner has submitted a representation dated 03.02.2017 on the basis of the letter dated 02.12.2016 of the 3rd respondent, no steps have been taken to correct the UDR errors. Hence, the petitioner is before this Court with the above prayer.

4. The learned counsel for the petitioner has submitted that the proceedings of the 3rd respondents have not been challenged by anybody till date and therefore, there is no impediment for the 2nd respondent to implement the order of the 3rd respondent.

5. Under such circumstances, finding much force in the contention raised by the learned counsel for the petitioner that the order of the 3rd respondent has not been challenged so far, the 2nd respondent is directed to take necessary action for implementation of the order of the 3rd respondent, if it is otherwise not challenged before any of the competent forum, within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner as well as other interested parties, if any.

6. With the above direction, this petition is disposed of. No costs.

Sd/-

Assistant Registrar(AD-II)

/ True Copy /

Sub Assistant Registrar(C.S.)

To:

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Assistant Director,
District Survey Department,
Sivagangai,
Sivagangai District.
3. The Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District.

+1cc to M/S.S.KAMESWARAN, Advocate SR.No.68577

+1cc to Special Government Pleader, SR.No.69312

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MAS/KP/SAR2:07.08.2017:2P-6C