

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 10.08.2017****CORAM:****THE HONOURABLE MR.JUSTICE R.MAHADEVAN****W.P(MD)No.15035 of 2017****WEB COPY**

D.Senthilkumar

... Petitioner

Vs.

1. The Municipal Commissioner
Ramanathapuram Municipality,
Ramanathapuram
2. The Sub-Registrar No.2,
Ramanathapuram
3. The Tahsildar
Ramanathapuram,
Ramanathapuram District
4. The Joint Director of Survey
District Land Survey Office,
Ramanathapuram District,
Ramanathapuram.
- 5.Ameerdin T
- 6.T.Mohideen Ibrahim Ummal
- 7.T.Seythoon Sannath Beevi
- 8.Hairunnisa Beevi
- 9.T.Janoon Beevi
- 10.T.Ashisha Beevi
- 11.T.Krishnasamy
- 12.Ramesh
- 13.Saravanan
- 14.Rajasekar
- 15.Amirthakannan
- 16.Nirmala
- 17.Jayaraman
- 18.J.Kavitha
- 19.Sivakumar
- 20.Suresh Kannan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 4 to remove the names of land holders as wrongly mentioned as per reply letter issued under Right to Information Act, 2015, vide Na.Ka.No.2326/2015/24, dated 09.08.2015, by considering petitioner's representation dated 10.08.2015.



For Petitioner : Mr.A.Haja Mohideen
For Respondents : Mr.M.Alagathevan,-R.1 to R.4
Special Government Pleader

WEB COPY

ORDER

This writ petition has been filed, seeking to direct the respondents 1 to 4 to remove the names of land holders as wrongly mentioned as per reply letter issued under Right to Information Act, 2015, vide Na.Ka.No.2326/2015/m4, dated 07.07.2015 by considering petitioner's representation dated 10.08.2015.

2. Mr.M.Alagathevan, learned Special Government Pleader takes notice for the respondents 1 to 4. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that the property in question originally belonged to his grand father, namely, Padhinettan Servai and the said land was illegally encroached by the respondents 5 to 10 and the same was transferred to various persons through various sale deeds. Hence, the petitioner had filed a suit for declaration and permanent injunction against the respondents 5 to 10 in O.S.No.13 of 2014 on the file of Subordinate Court, Ramanathapuram and the same is pending. In the meanwhile, the petitioner received an information from the Municipality in Na.Ka.No.2326/2015/m4, dated 07.07.2015 under RTI Act, to the effect that on 01.10.1984, town survey was completed and in the Survey Register Sr.Nos.222 to 229, the name of the respondents 5 to 10 were wrongly entered and there is no subsequent transfer. Pursuant thereto, he made a representation to the first respondent, dated 10.08.2015 to delete the names of land holders, entered wrongly in town survey field register. Though the petitioner gave a representation for cancellation of wrong entries, till date, there is no response from the first respondent. Hence, the petitioner has come before this Court with the above said prayer.

4. Heard the learned Counsel for the petitioner as well as the learned Government advocate appearing for the respondents 1 to 4, who would submit that if a reasonable time is granted to the respondents, appropriate orders will be passed on the representation of the petitioner.

5. In view of the above submission and also considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the official respondents 1 to 4 to consider the representation of the petitioner dated 10.08.2015 in line with the proceedings dated 07.07.2015 and pass appropriate orders thereon, on merits and in accordance with law, within a period of six weeks from the date of



receipt of a copy of this order, after affording due opportunity of hearing to the petitioner and other parties, whose names are said to be wrongly incorporated in the town survey field register.

6. The writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar (AD-II)

/True copy/

Sub Assistant Registrar

To:

1. The Municipal Commissioner
Ramanathapuram Municipality,
Ramanathapuram
2. The Sub-Registrar No.2,
Ramanathapuram
3. The Tahsildar
Ramanathapuram,
Ramanathapuram District
4. The Joint Director of Survey
District Land Survey Office,
Ramanathapuram District,
Ramanathapuram.

+1 CC to M/s.A.HAJA MOHIDEEN, Advocate, SR No. 71872.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 72421.

RM

PSM/JC/SAR3/28.08.2017/3P/7C

W.P(MD)No.15035 of 2017

10.08.2017