



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2017

CORAM

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THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) No.17391 of 2017

LatchumiAmmal

: Petitioner

-vs-

1. The District Collector,
Theni District,
Theni.
2. The District Revenue Officer,
District Collectorate Campus,
Theni District,
Theni.
3. The Revenue Divisional Officer,
Uthamapalayam Taluk,
Theni District.
4. The Tahsildar,
Uthamapalayam Taluk,
Theni District.
5. The Surveyor,
Uthamapalayam Taluk,
Theni District.

: Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, to direct the respondents to survey and demarcate the boundaries and issue patta for the petitioner's lands comprising in Survey Nos.738, 739, 740, 741 and 765 situated at Anumandhanpatti Village, Uthamapalayam Taluk, Theni District, as per the sale deed vide document No.435/1978 on the file of the Sub Registrar Office, Uthamapalayam, Theni District, on the basis of the petitioner's representation, dated 04.08.2017 within a time frame.

For Petitioner

: Mr.R.Shankar Ganesh

For Respondents

: Mr.G.Muthukannan
Government Advocate

**ORDER**

Though the petitioner seeks direction to the respondents to survey and demarcate the boundaries, the learned counsel for the petitioner restricts the prayer, seeking to direct the 2nd respondent to consider the representation of the petitioner, dated 04.08.2017 with regard to mistake taken place, while updating the records during UDR scheme.

2.The case of the petitioner is that he is the absolute owner of the property in Survey Nos.738, 739, 740, 741 and 765 at Anumandhanpatti Village, Uthamapalayam Taluk, Theni District, by virtue of a sale deed dated 22.02.1978, but with regard to survey No.740, patta stands in the name of various persons, who does not have right over the property. Hence, the petitioner gave a representation, dated 04.08.2017 to the respondent to rectify the mistake.

3.Mr.G.Muthukannan, learned Government Advocate for the respondents would submit that if a fresh representation gives to the 2nd respondent, it would be considered in accordance with law.

4.In view of the above submission, this court hereby directs the petitioner to give a fresh representation to the 2nd respondent, by enclosing a copy of this order within a period of two weeks from the date of receipt of a copy of the order. On such compliance, the 2nd respondent shall consider the representation of the petitioner and pass suitable orders purely on merits and in accordance with law, after providing opportunity of hearing to the petitioner as well as to the necessary parties, if any, within a period of twelve weeks therefrom.

5.The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To,

1. The District Collector,
Theni District,
Theni.

2. The District Revenue Officer,
District Collectorate Campus,
Theni District,
Theni.



3. The Revenue Divisional Officer,
Uthamapalayam Taluk,
Theni District.

4. The Tahsildar,
Uthamapalayam Taluk,
Theni District.

5. The Surveyor,
Uthamapalayam Taluk,
Theni District.

+ 1 cc TO Mr.R.Shankar Ganesh , Advocate in SR No. 81150
+1cc to The Special Government Pleader in SR.No.81087

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AE/KP/SAR1/13.10.2017/3P/8C

W.P. (MD) No.17391 of 2017
22.09.2017