



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.12.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD)No.20533 of 2017 and
W.M.P(MD)No.16829 of 2017

Subramanian

.. Petitioner

Vs.

1. The District Collector,
Trichy, Trichy District.
2. The District Revenue Officer cum
District Additional Magistrate,
O/o.District Revenue Office,
Trichy, Trichy District.
3. The Revenue Divisional Officer,
O/o.District Revenue Office,
Trichy, Trichy District.
4. The Tahsildar,
Musiri, Trichy District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for records of the impugned order passed by the second respondent in his proceedings in Na.Ka.Aa6/1222/2017, dated 04.08.2017 and to quash the same and direct the respondents to issue patta to the petitioner for 2 acres and 55 cents for the lands in Survey No.174 situated at Valasiramani Village, Musiri Taluk, Trichy District, within a time frame as fixed by this Court.

For Petitioner : Mr.N.R.Balaji
For Respondents : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

ORDER

This writ petition has been filed seeking a writ of Certiorarified Mandamus to quash the impugned order passed by the second respondent in Na.Ka.Aa6/1222/2017, dated 04.08.2017, and direct the respondents to issue patta to the petitioner, for the lands, admeasuring 2 acres and 55 cents, situate in Valasiramani Village, Musiri Taluk, Trichy District, within a stipulated period as fixed by this Court.



2. Heard both sides.

3. The case of the petitioner is that for omission of an extent of 14 cents comprised in Survey No.174, Valasiramani Village, Musiri Taluk, Trichy District, in respect of his lands, in the revenue records, the petitioner made a representation to the second respondent, upon which, the fourth respondent, sent a report, dated 28.03.2013, indicating that patta should be issued in respect of the said 14 cents of lands, to the petitioner. But, the second respondent, had rejected his claim, by passing the impugned order, dated 04.08.2017. Therefore, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner would submit that the second respondent without considering the report submitted by the fourth respondent, has erroneously passed the impugned order and therefore the impugned order is liable to be set aside.

5. The learned Additional Government Pleader appearing for the respondents would submit that after perusing the reports submitted by the respondents 3 and 4, the second respondent has rightly passed the impugned order and therefore the same requires no interference.

6. In the earlier round of litigation in W.P(MD)No.23906 of 2016, this Court directed the second respondent to consider the claim of the petitioner so as to include 14 cents of his land in his name in the revenue records, based on the report of the fourth respondent, made in Na.Ka.No.988 of 2013, dated 28.03.2013, and the said proceeding is supported by the earlier proceedings, dated 19.03.2013, issued by the Revenue Inspector, Musiri. But, the said proceedings were not considered by the second respondent, while passing the impugned order, dated 04.08.2017. Under such circumstances, on the said ground alone, the impugned order, dated 04.08.2017, passed by the second respondent is liable to be set aside and accordingly the same is set aside and the matter is remitted back to the second respondent for fresh consideration and the second respondent is directed to pass appropriate orders on the basis of the proceedings as stated above, after affording due opportunity of hearing to the petitioner as well as any of the interested parties, within a period of six weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of as above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

/True Copy/



To

1. The District Collector,
Trichy, Trichy District.
2. The District Revenue Officer cum
District Additional Magistrate,
O/o.District Revenue Office,
Trichy, Trichy District.
3. The Revenue Divisional Officer,
O/o.District Revenue Office,
Trichy, Trichy District.
4. The Tahsildar,
Musiri, Trichy District.

+ 1 CC TO Mr.N.R.BALAJI, ADVOCATE IN SR No. 91235
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 91453

SMN

TE/SKN-RSK/SAR-3 : 19/12/2017 : 3P/7C

ORDER MADE IN
W.P(MD)No.20533 of 2017 and
W.M.P(MD)No.16829 of 2017
05.12.2017