



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P (MD) No.2436 of 2017

L.Alagappan

.. Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The District Revenue Officer,
Pudukkottai District, Pudukkottai.

3.The Revenue Divisional Officer,
Pudukkottai Revenue Division,
Pudukkottai & District.

4.The Thasildhar,
Thirumayam Taluk,
Pudukkottai District.

5.The Block Development Officer,
Thirumayam, Pudukkottai District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to direct the fourth respondent to rectify the Revenue entry relating to Kodikattikanmaai and its extent of 4.33.0 hecets., which is situated in Survey No.385 of Kulamangalam Village, Thirumayam Taluk, Pudukkottai District as Panchayat Union Small Irrigation tank instead of Vaari based on the petitioner's representation dated 25.01.2017.

For Petitioner

: Mr.A.Prasanna Rajadurai
for Mr.S.Muthalraj

For Respondents

: Mr.K.Guru,
Additional Government Pleader.

ORDER

[Order of the Court was made by A.SELVAM, J.]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the first respondent to give necessary direction to the fourth respondent to rectify revenue entry relating to Kodikattikanmaai comprised in Survey No.385, Kulamangalam Village, Thirumayam Taluk, Pudukkottai District, by way of issuing a writ of mandamus.

2.The learned counsel appearing for the petitioner has contended to the effect that Survey No.385, Kulamangalam Village has been classified as Kodikattikanmaai and its total extent is 4.33.0 Hectares, but the fourth respondent has erroneously made entry in the revenue records as a Vaari and under the said circumstances a representation dated 25.01.2017 has been given to the respondents, but the same has not been considered and therefore the present writ petition has been filed.

3.On the basis of the contention putforth on the side of the petitioner, at the instance of the petitioner, an Advocate Commissioner has been appointed and he inspected Survey No.385, Kulamangalam Village and filed his Report, wherein it has been clinchingly stated to the effect that in Survey No.385, an extent of 10 acres 69 cents is available. Further the Advocate Commissioner has also pointed out that on ground Survey No.385 looks like water tank.

4.Considering the extent of Survey No.385 and also its physical features, this Court is of the view that a wrong entry in revenue record has been made in respect of Survey No.385, Kulamangalam Village and therefore this Court is inclined to pass the following order.

5.In fine, this writ petition is allowed without costs and the first respondent is directed to give necessary direction to the fourth respondent to change revenue entry made in respect of Survey No.385, Kulamangalam Village, Thirumayam Taluk, Pudukkottai District within a period of two months.

Sd/-

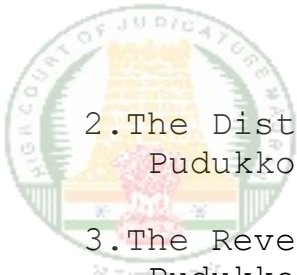
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Pudukkottai District,
Pudukkottai.



2.The District Revenue Officer,
Pudukkottai District, Pudukkottai.

3.The Revenue Divisional Officer,
Pudukkottai Revenue Division,
Pudukkottai & District.

4.The Thasildhar,
Thirumayam Taluk,
Pudukkottai District.

5.The Block Development Officer,
Thirumayam, Pudukkottai District.

+1CC to M/S.Na.Palaniyandi, Advocate, SR.No. 51338
+1CC to the Special Government Pleader SR.No. 51728

ORDER MADE IN
W.P (MD) No.2436 of 2017
11.04.2017

smn
AM/SKN SAR 2/18.04.2017/3P/8C