IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7029 of 2014

V.Sheeba Noila ... Petitioner

vs.

1. The District Revenue Officer,
Salem District, Salem.

2. The Revenue Divisional Officer,
Mettur, Salem District.

3. The Thashildar,
Omalur, Salem District. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus directing the District Revenue Officer, Salem District, Salem, the first respondent herein to pass orders on the representation of the petitioner dated 09.12.2012 with respect to the land in Survey No.13/17, Vellalapatti Village, Salem District rectifying the entry from Government Punjai to Ryotwari Punjai in computer records and entering the same into patta No.567 within a time frame that may be fixed by this Court.

For Petitioner : M/s. K.Sivasubramanian
For Respondents: M/s.R.S.Selvam for
Government Advocate, for R1 & R3

O R D E R

The relief sought for in the present writ petition is for a direction to direct the District Revenue Officer, Salem District, Salem to pass orders on the representation of the writ petitioner dated 09.12.2012 in respect of the land in Survey No.13/17, Vellalapatti Village, Salem District rectifying the entry from Government Punjai to Ryotwari Punjai in computer records and entering the same into patta No.567 within a time frame.

2. The learned counsel for the writ petitioner states that an assignment was already granted in favour of the writ

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petitioner. However, the changes are not made in the revenue registers. Thus, she made a representation to the first respondent to consider her claim and pass appropriate orders. In view of the fact that the representation is kept pending, the writ petitioner is constrained to move the present writ petition.

3. The Learned Government Advocate appearing on behalf of the respondent relying on the counter affidavit filed by the 3rd respondent states that the lands which the petitioner purchased from power agent is a land already assigned to one Chinnammal in 18/AM/95 dated 16.11.1985 and "D" card was issued imposing conditions.

4. The assignee violated the assignment condition No.13 and 20 and sold the assigned lands without obtaining permission from the authorities. A Show-cause notice is under progress and will be send to the assignee and an enquiry will be conferred. Thus, the petitioner's representation cannot be considered before concluding the enquiry.

5. This Court is of an opinion that, when it is stated in the counter affidavit that the land in question was already assigned in favour of one Smt.Chinnammal in proceeding dated 26.11.1985, the Authorities Competent are bound to conduct the detailed enquiry verifying all the revenue records, take a decision and pass orders on merits and in accordance with law without any further lapse of time and within a period of 12 weeks from the date of receipt of a copy of this order. Accordingly the writ petition stands disposed of. No Costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To
1. The District Revenue Officer,
Salem District, Salem.

2. The Revenue Divisional Officer,
Mettur, Salem District.

3. The Thashildar,
Omalur, Salem District.

+1cc to Mr.K.Sivasubramaniam, Advocate, S.R.No.76337

+1cc to the Government Pleader, S.R.No.75908

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GSP(30/11/2018)

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