

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :23.11.2018

CORAM
THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA
W.P.No.30941 of 2018

T. Parvathy

..Petitioner

versus

1. The District Revenue Officer,
Salem District,
Salem - 636 001.

2. The Revenue Divisional Officer,
Vazhapadi Circle, Salem District,
Salem - 636 001.

3. The Tahsildar,
Central Cooperative Bank Compound,
1st Floor, Cherry Road,
Salem HO, Salem - 636 001.

4. K.T.Elayakannu .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider the application of the petitioner dated 09.09.2017 in the light of the sale deed No.743 of 1984 dated 12.07.1984 and the entries made in Chitta on 19.04.1985 and to issue patta in favour of the petitioner for her land in survey No.55/1, to an extent of 87 cents situated in Keeraipatti Village, Periyakuttimaduvu, Vazhapadi Circle, Salem District.

For Petitioner : Ms.K.Sheeba
for M/s.Paul and Paul

For RR 1 to 3 : Mr.V.Shanmugasundar
Special Government Pleader

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O R D E R

The writ petition is filed for a direction to the first respondent to consider the application of the petitioner dated 09.09.2017 in the light of the sale deed No.743 of 1984 dated 12.07.1984 and the entries made in Chitta on 19.04.1985 and to issue patta in favour of the petitioner for her land in survey No.55/1, to an extent of 87 cents situated in Keeraipatti Village, Periyakuttimaduvu, Vazhapadi Circle, Salem District.

2. According to the learned counsel for the petitioner, the petitioner submitted a representation dated 29.06.2015 seeking cancellation of the patta, since there was no response, she filed W.P.No.8405 of 2016 before this Court and the Court by order dated 07.03.2016, directed the second respondent-RDO herein to consider the petitioner's representation and dispose of the said representation. Thereafter, the Revenue Divisional Officer passed an order directing the petitioner to prefer an appeal before the District Revenue Officer, Salem stating that the RDO is not the competent authority. Hence, the petitioner submitted another representation on 09.09.2017. Though the representation is pending from 09.09.2017, the first respondent has not passed any order till today. Hence, the petitioner is before this Court.

3. Heard, Ms.K.Sheeba, learned counsel appearing for the petitioner and Mr.V.Shanmugasundar, learned Special Government Pleader appearing for the respondents 1 to 3.

4. As the petitioner is seeking changes in the UDR patta claiming the same to be illegal, the first respondent is the present competent authority to decide the same. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representations, directs the petitioner to give a copy of the said representation to the first respondent within a period of two weeks from the date of receipt of copy of this order and on receipt of copy of such representation, the first respondent is directed to conduct an enquiry by issuing notice to the petitioner as well as the fourth respondent herein and to all the persons concerned and also affording due opportunity of hearing to the petitioner, fourth respondent herein as well as any of the interested parties and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5. It is also pertinent to note that already the petitioner has come to this Court praying for the same relief. In the above circumstances, the respondents 1 to 3 are directed to consider all the documents and evidence that may be produced by the parties and pass appropriate orders, as directed supra.

6. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rsi

To

1.The District Revenue Officer,
Salem District,
Salem - 636 001.

2.The Revenue Divisional Officer,
Vazhapadi Circle, Salem District,
Salem - 636 001.

3.The Tahsildar,
Central Cooperative Bank Compound,
1st Floor, Cherry Road,
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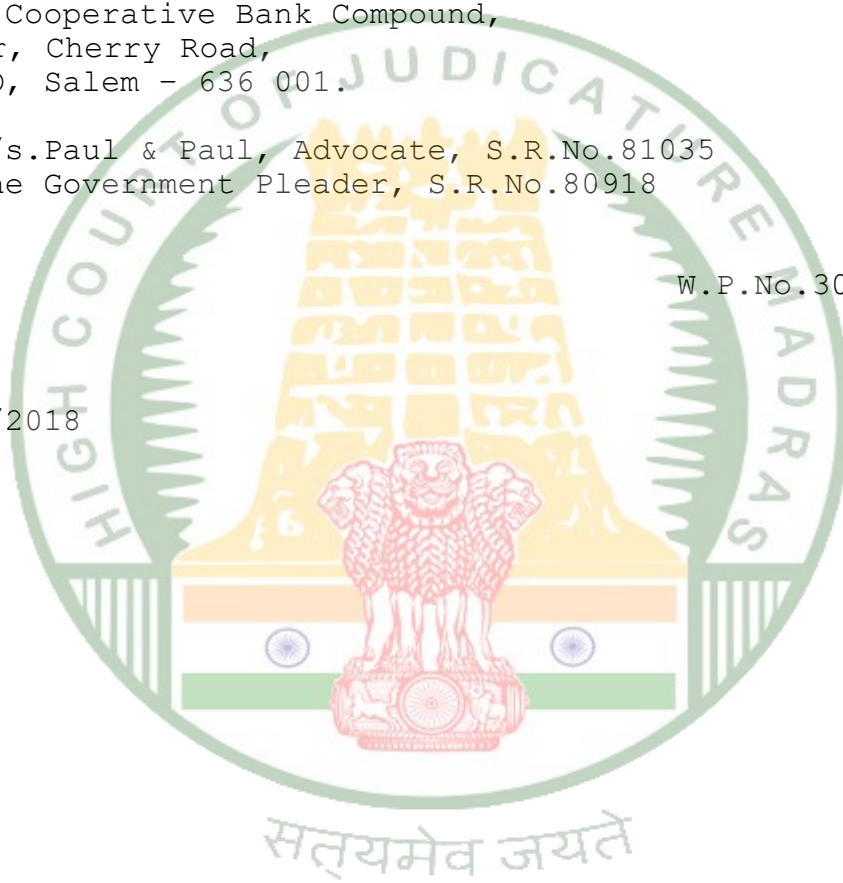
+1cc to M/s.Paul & Paul, Advocate, S.R.No.81035

+1cc to the Government Pleader, S.R.No.80918

W.P.No.30941 of 2018

NRI (CO)

rrs 26/12/2018



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