



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.05.2018

CORAM

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**THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN**W.P(MD) No.11406 of 2018

V.Sakkarai

... Petitioner

-vs-

The Record Officer / Revenue Tahsildar,  
Thirumangalam Taluk,  
Thirumangalam,  
Madurai District.

... Respondent

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus directing the Respondent to prepare the Draft Record of the Petitioners tenancy right to the lands bearing S.No.51/7E, 52/2E and 52/3U having Patta No.2275 and the S.No.49/1 having Patta.No.974 to an extent of 5 Acres 8 Cents situated at Keelaurappanur I Bit, Thirumangalam Taluk, Madurai District and publish the same in the District Gazette of Madurai as per TamilNadu Agricultural lands Record of Tenancy Rights Act 1969 based on the petitioner's detailed representation made to the respondent on 03.05.2018 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.K.Kannan  
For Respondent : Mr.V.R.Shanmuganathan  
Spl. Govt. Pleader

**O R D E R**

This writ petition has been filed, seeking a direction to the respondent to prepare the Draft Record of the petitioner's tenancy right to the lands bearing S.No.51/7E, 52/2E and 52/3U having Patta No.2275 and the S.No.49/1 having Patta.No.974 to an extent of 5 Acres 8 Cents situated at Keelaurappanur I Bit, Thirumangalam Taluk, Madurai District and publish the same in the District Gazette of Madurai and publish the same in the District Gazette of Madurai as per TamilNadu Agricultural lands Record of Tenancy Rights Act 1969 based on his detailed representation made to the respondent on 03.05.2018.

2. Mr.V.R.Shanmuganathan, learned Special Government Pleader takes notice for the respondent. By consent, the writ petition is taken up for final disposal at the stage of admission itself.



### Brief Facts:

3. The case of the petitioner is that he is an agriculturalist and the owners of the lands bearing S.Nos.51/7E, 52/2E, 52/3U and 49/1 had executed a deed of Cultivating Tenancy Agreement, permitting the petitioner for cultivation in their lands on lease basis, pursuant to which, the petitioner made a petition to the respondent for registration of his name as a Cultivating Tenant as per the Tamil Nadu Cultivating Tenants Rights Registration Act in the year 2005, which was rejected by the respondent without even hearing the petitioner.

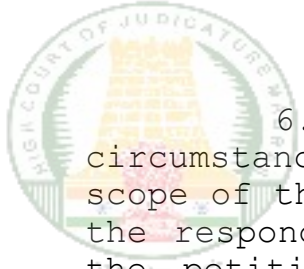
3.1. It is the further case of the petitioner that against such rejection, he preferred an appeal before the Special Deputy Collector (Revenue Court), Madurai and the said appeal was allowed, thereby directing the respondent herein to register his name as a cultivating tenant. In consequence of the order, his name was recorded in the Taluk Accounts and also in the Village Adangal on 28.08.2012.

3.2. It is submitted that subsequently, one Paulraj claiming himself to be the owner of the lands by virtue of a sham and nominal sale deed alleged to have been executed by the owners of the land had filed a revision before the District Revenue Officer, Madurai and the same was dismissed on 04.12.2017. It is also submitted that as per Section 3(1) of Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969, it is mandate on the part of the respondent to prepare the draft record of his tenancy right and publish the same in the District Gazette under Section 3(5) of the Act.

3.3. The petitioner made a detailed representation dated 03.05.2018 to the respondent for preparation and publication of Draft Record of his tenancy rights in the District Gazette, which did not evoke any response till now and aggrieved by the same, the petitioner is before this Court.

4. The learned Special Government Pleader appearing for the respondent would submit that if a reasonable time is granted to the respondent, the representation of the petitioner will be considered and appropriate orders be passed thereon.

5. Once a representation is received by the authorities concerned, it is their bounden duty to decide the same immediately without keeping it pending endlessly. They are at the most expected to proceed in the manner known to law and inform the outcome to the concerned parties as to the exact nature of their impediment in consideration of the representation. In the present case on hand, the respondent, without doing so, has been sitting over the representation submitted by the petitioner without taking any decision thereon and the said act is highly depreciated.



6. Under such circumstances, considering the facts and circumstances of the case and also taking into account the limited scope of the relief sought for by the petitioner, this Court directs the respondent to pass appropriate orders on the representation of the petitioner 03.05.2018 on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order, in the light of the order dated 04.12.2017, passed by the District Revenue Officer, Madurai.

7. With the above direction, this petition is disposed of.  
No costs.

Sd/-  
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

The Record Officer / Revenue Tahsildar,  
Thirumangalam Taluk,  
Thirumangalam,  
Madurai District.

+1CC to Mr.K.Kannan Advocate in SR.NO.66302.

VSV  
DS/SKN-RSK/SAR-2 :01.06.2018: 3P/3C

W.P(MD) No.11406 of 2018