



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) No.15105 of 2016

P.Chidambaram

... Petitioner

vs.

1. The District Revenue Officer
Sivagangai, Sivagangai District.

2. The Special Tahsildhar
Town Settlement Office
Sivagangai.

3. Muthukaruppan Achari (Died)

4. M.Velulsamy

5.M.Ramakrishnan

... Respondents

(R4 and 5 impleaded vide order dated 17.03.2017 in
WMP (MD) .No.14893/2016)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the second respondent to pass appropriate orders pursuant to the enquiry on 18.04.2016 under Na.Ka.No.A65/15 dt.04.04.2016 and modify the entries in the revenue records deleting the name of the third respondent and granting joint patta in favour of the petitioner and other co-owners in respect of Old TS No.119 (New TS No.141/949) measuring 0.0310.0 square meteres and Old T.S.No.120 (New T.S.No.141/950) measuring 0.0635.0 square meters comprised in Ward -D Block 5, Sivagangai Town, Sivagangai District.

For Petitioner : Mr.D.Rajagopal

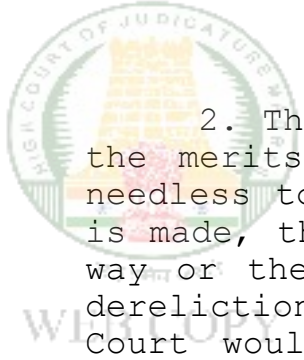
For Respondents

No.1 and 2 : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

No.4 and 5 : Mr.R.Vijayakumar

O R D E R

The grievance of the petitioner is that the second respondent herein has not completed enquiry held on 18.04.2016 in connection with the rectification of the revenue records in respect of Old TS No.119 (New TS No.141/949) measuring 0.0310.0 square meteres and Old T.S.No.120 (New T.S.No.141/950) measuring 0.0635.0 square meters comprised in Ward -D Block 5, Sivagangai Town, Sivagangai District



2. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

3. In view of the limited prayer sought for in this writ petition and without expressing any of my view with regard to the claim made by the parties in the enquiry there shall be a direction to the second respondent complete the enquiry in Na.Ka.No.A65/15 dt.04.04.16. Such an exercise shall be done after giving due notice to all the trustees of the Pillaiyar temple in Sivagangai Town and any other persons who may be interested in the subject matter in connection with the property in Old TS No.119 (New TS No.141/949) measuring 0.0310.0 square meters and Old T.S.No.120 (New T.S.No.141/950) measuring 0.0635.0 square meters comprised in Ward -D Block 5, Sivagangai Town, Sivagangai District in the light of the proceedings of the DRO in Na.Ka.No.A65/15 dt.04.04.16 and Na.Ka.No.29/16 dated 22.07.2016. Such an exercise shall be completed within three months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To:

1.The District Revenue Officer
Sivagangai, Sivagangai District.

2.The Special Tahsildhar
Town Settlement Office, Sivagangai.

+1cc to M/S.N.Sivakumar, Advocate SR.No. 73435
+1cc to Special Government Pleader, SR.No. 73573
+1cc to M/S.R.Vijayakumar, Advocate SR.No. 73643

W.P. (MD) No.15105 of 2016
17.07.2018