

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 31812 of 2018

ORDER:

The present writ petition came to be filed seeking issuance of a writ of *mandamus*, to declare the action of the 4th respondent in issuing the endorsement Letter No. 20/ 2018 dated 23.05.2018, as illegal, arbitrary and unconstitutional.

2. The learned counsel for the petitioner mainly submits that though the names of the petitioner and his forefathers are reflected in the revenue records, without assigning any reasons, their names were struck off and the names of the unofficial respondents came to be incorporated. He further submits that the Tahsildar has no authority to delete the entries made in the revenue records.

3. Learned Government Pleader would submit that since the issue involves factual aspects, viz., with regard to the entries which are alleged to have been wrongly made by the Tahsildar, it would be just and proper if the petitioner avails the remedy of filing an appeal before the Revenue Divisional Officer, who would consider the case of the petitioner, in accordance with law.

4. Since the issue involves questions of fact, viz., as to how and under what circumstances the names of the petitioner and his forefathers came to be deleted and also as to whether the Tahsildar was competent to alter the entries in the revenue

records, it would be proper if the petitioner avails the alternate remedy available under law.

5. In view of the above, the present writ petition is disposed of with consent, at the admission stage, directing the petitioner to avail the remedy available under law by challenging the endorsement Letter No. 20/ 2018 dated 23.05.2018 issued by the Tahsildar, in which event, the said authority shall deal with the same, after hearing all concerned, and pass appropriate orders, in accordance with law, as early as possible, preferably, within a period of six to eight weeks from the date of filing the application. Enabling the petitioner avail the remedy under law and to avoid any further complication, in view of the submission of the learned counsel for the petitioner that there is every likelihood of the unofficial respondents taking advantage of the corrections made in the revenue records, status quo as on today shall be maintained with regard to the property in dispute, for a period of ten weeks. Meanwhile, the petitioner, if so desires, may make an application and obtain appropriate order/ interim order from the concerned. There shall be no order as to costs.

6. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

06.09.2018
DMG