

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.10.2019

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.15336 of 2007

and

MP.No.1 of 2007

Muniyan

... Petitioner

vs.

1. The Settlement Officer,
Office of the Special Commissioner and
Director of Survey's Settlement, Chepauk,
Chennai -5.

2. The Assistant Settlement Officer,
Thanjavur.

3. Sri Sathgunanthaswamy,
Thirukoil Devasthanam,
Idumbavanam - 614 705.
Tiruvavarur District.

.... Respondents

Cause title amended as per order
dated 05.06.2007 made in MP.No. 2/07
in MP.1 of 2007 in WP. 15336/2017

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, call for the records of the 1st respondent made in his proceeding in No. Mu.Mu.U1/1977/02 dated 26.03.2007 and quash the same and consequently direct the 1st respondent to pass appropriate order on the representation of the petitioner dated 27.10.2003 for producing the order of the 1st respondent made in his order in R.R.No.1/MI/TTP/78 dated 04.09.1978.

For Petitioner : Mr.Babu Barveej for
Silambanan Associates

For Respondents: Mr.T.Sathish,
Additional Government Pleader [R1 & R2]

Mr.Muthumani Doraisamy [R3]

ORDER

(Order of the Court was made by V.BHARATHIDASAN, J.)

This writ petition has been filed challenging the order passed by the second respondent dated 04.09.1978 made in R.R.No.1/MI/TTP/78.

2. Earlier this Court, by an order dated 29.09.2004 in W.P.No.27842 of 2004, directed the Settlement Officer/first respondent to furnish a certified copy of the order passed by the Settlement Tahsildar in and by his proceedings in R.R.No.1/MI/TTP/78 dated 04.09.1978. Despite that order, the copy was not furnished to the petitioner. The second respondent passed an order stating that the copy of the order was not available in the Settlement Thasildar's office. Now, challenging the order, the present writ petition has been filed.

3. The learned counsel appearing for the respondents submitted that the original copy of the order was not found in the Settlement Thasildar's office and they were not in a position to hand over the copy to the petitioner. In the earlier occasion, this Court directed the Settlement Thasildar to be present before this Court.

4. Today when the matter is taken up for hearing, the Settlement Thasildar, Thanjavur, is present before this Court and submitted that the original copy was not available. However, they have traced out the xerox copy of the order.

5. Considering the fact that the order was passed in the year 1978, and, the original copy of the order is not available with respondent, as the xerox copy of the order is available, the second respondent is directed to give a copy of the order to the petitioner.

With the above observation, the writ petition stands closed. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

mp

To

1. The Settlement Officer,
Office of the Special Commissioner and
Director of Survey's Settlement, Chempauk,
Chennai -5.

2. The Assistant Settlement Officer,
Thanjavur.

+1cc to Mr.Muthumani Doraisamy, Advocate, S.R.No. 84773
+1cc to the Government Pleader, S.R.No. 85077

W.P.No.15336 of 2007
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