

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.12.2019

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.23445 of 2019

R.Selvarajan

.. Petitioner

..Vs..

- 1.The District Collector,
Office of the Erode District Collector,
Erode-638 011
- 2.The District Revenue Divisional Officer,
O/o. Erode District Revenue Office,
Erode District Collector office Compound,
Erode -638 011
- 3.The Tahsildar
O/o. Erode Tahsildar Office,
Erode-638 001
4. The Revenue Divisional Officer,
O/o.Erode Revenue Divisional Officer,
Brough Road,
Erode-638 001
5. The Assistant Director,
District Land Survey Department,
Erode District Collector Office Compound,
Erode-638 011
- 6.The Village Administrative Officer,
Veerappan Chathiram VAO Office,
Manickampalayam,
Nasiyanur Road,
Erode-638 011.

.. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein too consider the petitioner's representation dated 25.05.2019 and to initiate proceedings to re-classify the petitioner's property in Survey No.254/1 of Erode village 035, Erode Taluk-II, Erode District in accordance with law and issue separate patta within time frame stipulated by this Court.

For Petitioner : Mr.S.Kaithamalai Kumaran
For Respondents : Mr.Govindasamy
Special Govt. Pleader

O R D E R

This Writ petition has been filed in the nature of mandamus seeking disposal of the representation of the petitioner dated 25.05.2019, in which he had sought to reclassify the property in S.No.254/1 in Erode.

2.It is stated that the total area of land in S.No.254/1 is 7.46 acres, but the respondent authorities had given patta for total area of 8.13 acres. This Court is of the view that the matter has to be examined only by the Revenue Authorities and this Court is not examining the facts by going deeply into the merits of the case as to how patta was granted for the S.No.254/1 to an extent of 8.13 acres when only 7.46 acres was available as stated by the petitioner. The matter has to be tested by the Revenue Authorities.

3.The Learned Special Government Pleader has produced a letter dated 17.10.2019 issued by the District Revenue Officer, Erode to the Tahsildar in which it has been stated that old S.No.254/1 is being enjoyed by the pattadar next to the petitioner and hence, action can be taken only after issuing notice to the adjoining pattadars and upon hearing them, and, if necessary, measure S.No.254/1 with the help of Revenue surveyor. In view, of the letter aforesaid, this Court is of the view that the exercise stated in the letter would take some time and therefore, it would be appropriate to fix the outer limit till 31.03.2020 to consider and pass orders on the representation of the petitioner dated 05.05.2019 in accordance with law.

4.With the above observation, the Writ petition stands disposed of. No Costs.

सत्यमेव जयते
s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vsn

To,

1.The District Collector,
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Erode-638 011

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6.The Village Administrative Officer,
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Manickampalayam,
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+1 CC to Mr.S.Kaithamalai Kumaran, Advocate sr 103509.

W.P.No.23445 of 2019

LN(CO)
SP(29/01/2020)

सत्यमेव जयते

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