

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.27660 of 2019
and W.M.P.No.27175 of 2019

P.Sevathammal

.. Petitioner

/versus/

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Revenue Divisional Officer,
Dharmapuri District,
Dharmapuri.

3.The Tahsildar,
Nallampalli Taluk,
Dharmapuri District.

4.The Village Administrative Officer,
Maniyathalli, Nallampalli Taluk,
Dharmapuri District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent or any other respondents to consider the representation of the petitioner dated 15.07.2019.

For petitioner : Mr.C.Umashankar

For Respondents : Mr.N.Inbanathan
Additional Government Pleader

ORDER

The petitioner herein was issued patta vide Survey No.722/10, Maniyathalli, Nallampalli Taluk, Dharmapuri District. But while updating it in the computer, her name shown

as Poonga instead of Sevathammal. When her representation to the respondent to issue patta in her name Sevathammal instead of alias name Poonga, the said representation has been kept pending without passing any order and hence the present writ petition is filed seeking direction to the 1st respondent to consider the representation and issue patta in the name of Sevathammal W/o.Perumal instead of her alias name.

2. While so, on filing this writ petition, the Revenue Divisional Officer, Dharmapuri has passed an order on 01.10.2019, based on the enquiry conducted on the representation of the petitioner and after hearing the complaint of Perumal S/o Mari as well as the petitioner herein. In his enquiry the Revenue Divisional Officer has arrived at conclusion that the revenue records and the statement of the Tahsildar indicates that in Survey No.722/10, measuring 0.70 Hectare is classified as "Podugal (AWD)". Hence, the request of the petitioner cannot be acceded.

3. This Court on perusing the order passed by the Revenue Divisional Officer subsequent to filing of this writ petition find that the order has been passed behind the back of the petitioner herein. Though the respondents represent that the petitioner was present during the enquiry and gave statement, there is no material to substantiate it.

4. The learned Additional Government Pleader was asked to produce the file regarding enquiry proceedings alleged to have been initiated in response to the representation of the petitioner dated 15.07.2019. The records called were not produced. Further the order of the Revenue Divisional Officer indicates that he has passed this order pursuant to the complaint given by one Perumal S/o.Mari in which the petitioner was also enquired.

5. Since the order is bereft of necessary details such as when the notice was issued to the parties?, when the parties were called? and what was the complaint given by Perumal S/o.Mari?. This Court quash the order passed by the Revenue Divisional Officer, Dharmapuri dated 01.10.2019. The RDO is directed to conduct fresh enquiry by causing notice to the petitioner and other persons and pass appropriate orders after perusing the revenue records as well as the documents produced by the petitioner and other rival claimants. The said enquiry shall be completed within a period of six weeks from the date of receipt of copy of this order.

6. With the above direction, this writ petition is disposed of. Consequently, the connected miscellaneous petition is also closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
Dharmapuri District,
Dharmapuri.
- 2.The Revenue Divisional Officer,
Dharmapuri District,
Dharmapuri.
- 3.The Tahsildar,
Nallampalli Taluk,
Dharmapuri District.
- 4.The Village Administrative Officer,
Maniyathalli, Nallampalli Taluk,
Dharmapuri District.

+1 cc to M/s.C.Uma Shankar, Advocate Sr.No. 94702
+1 cc to The Government Pleader Sr.No. 95603

AKM/18.12.19/3P-7C /

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