

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2020

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.8462 of 2014
and
MP No.1 of 2014

R.Sukumar

...

Petitioner

Vs

1. The Collector,
Cuddalore District,
Cuddalore.

2. The Tahsildar,
Kurinjipadi Taluk,
Kurinjipadi.

3. Kolanji

....

Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 and 2 to dispose off the representation dated 16.07.2012 given by the petitioner.

For petitioner : Mr.R.Gururaj

For respondents : Mr.R.S. Selvam

Government Advocate
for R1 and R2

R3 - served - No appearance

ORDER

This writ petition has been filed for a Mandamus to direct the respondents 1 and 2 to dispose of the petitioner's representation dated 16.07.2012 by passing final orders based on the said representation.

2. It is the case of the petitioner that his father purchased 93/4 cents in S.No.72/3 in Theerthanagari village, Kurinjipadi Taluk under a registered sale deed dated 14.11.1968.

According to the petitioner, the property is abutting a road on the immediate West and he is residing in a portion of the said property. According to the petitioner, he is the only Legal Heir of his deceased father.

3. It is the case of the petitioner that the respondents 1 and 2 conducted re-survey of lands, but no notice was given to the petitioner for the re-survey. According to the petitioner, he has been assigned new Survey No.66/11B and clubbed with the property of twenty other persons. According to him as per the re-survey, the total extent of 66/11B was made as Hec. 0.67.5. According to the petitioner, it is a retrograde step as normally larger numbers will be sub-divided into smaller extents and individual pattas will be issued. According to the petitioner, the Government has done the opposite of it. It is the case of the petitioner that subsequently survey No.66/11B has been sub divided into several numbers and his property has been assigned as survey Nos.66/11B10. It is the case of the petitioner that field map has been wrongly drawn. According to the petitioner, the field map has wrongly shown as if the third respondent has purchased a land South of the petitioner's property. It is the case of the petitioner that the third respondent does not own any property West of the petitioner's property. It is his further case that there is no property between the road and his property. But according to the petitioner, the field map shows as if the petitioner's property is East of the third respondent's property. Therefore, according to the petitioner, the field Map has not been properly drawn indicating the correct location of the petitioner's property. It is also the case of the petitioner that he has not been furnished with any patta for his property since there was a wrong description in the field map. According to the petitioner, he gave a representation to the second respondent on 18.05.2012 requesting for issuance of separate patta in his name as well as for rectification of the field map. According to the petitioner, there was no response to the said representation. One more representation was also sent by the petitioner to the first respondent on 16.07.2012. According to the petitioner, there was no response for that representation also. In such circumstances, this writ petition has been filed for a Mandamus to direct the respondents 1 and 2 to dispose of the representation of the petitioner dated 16.07.2012 by passing final orders in accordance with law.

4. Heard Mr.R.Gururaj, learned counsel for the petitioner and Mr.R.S. Selvam, learned Government Advocate appearing for

the first and second respondents. Despite service of notice on the third respondent and his name having been printed in the cause list, there is no representation on his side.

5. It is the case of the petitioner that in the field map, his property has been wrongly located and he has not been issued individual patta for his property. He has given representations on 18.05.2012 and 16.07.2012 requesting for grant of individual patta as well as for the rectification of the field map.

6. Admittedly, no reply has been sent by the respondents 1 and 2 for the representations dated 18.05.2012 and 16.07.2012. No prejudice will be caused to the respondents, if the representation dated 16.07.2012 given by the petitioner is considered and final orders passed in accordance with law.

7. For the foregoing reasons, this Court directs, the respondents 1 and 2 to consider the petitioner's representation dated 16.07.2012 after giving sufficient opportunity to the petitioner as well as the third respondent and other parties, who may be interested in the property and pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vsi2

To
1. The Collector,
Cuddalore District,
Cuddalore.

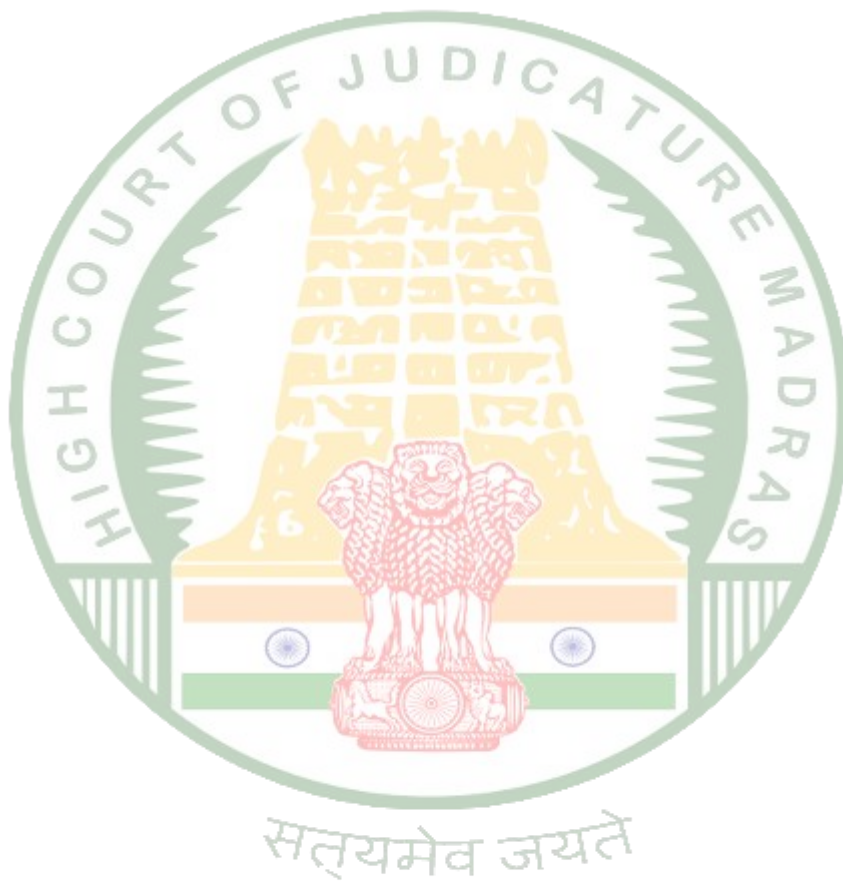
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2. The Tahsildar,
Kurinjipadi Taluk,
Kurinjipadi.

+1cc to Mr.D.Baskar, Advocate sr.1525
+1cc to Government Pleader SR.NO. 1970

W.P. No.8462 of 2014

rsv(co)
nr 17/02/2020



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