

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.12306 of 2017
and W.M.P.No.13078 of 2017

Amaravathy

... Petitioner

Versus

1. The District Collector,
Collectorate, Erode.

2. The District Revenue Officer,
Collectorate, Erode,
Erode District.

3. The Revenue Divisional Officer,
Sathy, Gobi Main Road,
Gobichettipalayam - 638 452,
Erode District.

4. The Divisional Tahsildar,
Gobi-Sathy Main Road,
Gobichettipalayam 638 452,
Erode District.

5. Pavayammal

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 to 6 to rectify the error / mistake committed by them in re-survey in Revenue records in respect of Old S.No.277/F and 288/C corresponding New S.No.217/6 and 217/5A.

For Petitioner : Mr.P.R.Balasubramanian

For Respondents : Mr.R.S.Selvam
1 to 4 Government Advocate

For Respondent-5 : No Appearance

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents to rectify the error / mistake committed by them in revenue records during re-survey in respect of Old S.No.277/F and 288/C corresponding New S.No.217/6 and 217/5A.

2. It is the case of the petitioner that he owned a land in S.No.217/5A, 5B along with one Balamurugan and Amaravathi. The cart track in S.No.217/6 and 217/5A is in existence for more than 100 years. The cart track was originally in Old S.No.279 and 288, which was subdivided and classified as S.No.297/F and 288/C in revenue records. During re-survey, the Revenue Authorities committed an error in the revenue records with respect to S.No.217/5A on Southern side on North to South, which leads up to S.No.217/5A instead of leading up to S.No.217/1C. Taking advantage of the same, the fifth respondent prevented the petitioner and others to use the cart track up to S.No.217/1C. Hence, the petitioner made a representation to the second respondent on 02.02.2017 to rectify the error committed by them, but no action has been taken till date. Hence, the petitioner has come forward with the present writ petition.

3. On behalf of respondents 1 to 4, the Divisional Tahsildar, Gobichettipalayam, namely the 4th respondent, has filed a counter affidavit denying the averments made by the petitioner.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for respondents 1 to 4 and perused the materials available on record.

5. It is seen that the representation given by the petitioner on 02.02.2017 has been kept pending till today. Since the said representation was given as early as on 02.02.2017, the petitioner is directed to furnish a copy of the same to the second respondent immediately on receipt of a copy of this order. After receipt of the said representation, the second respondent is directed to consider the same in the manner known to law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srn

To

1. The District Collector,
Collectorate, Erode.
2. The District Revenue Officer,
Collectorate, Erode,
Erode District.
3. The Revenue Divisional Officer,
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Gobichettipalayam - 638 452,
Erode District.
4. The Divisional Tahsildar,
Gobi-Sathy Main Road,
Gobichettipalayam 638 452,
Erode District.

+1cc to M/s.P.R.Balasubramanian, Advocate Sr.20621
+1cc to the Government Pleader Sr.21656
+1cc to M/s.Va Vu Si.Vazhakagam, Advocate Sr.20877

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srg 02/06/2020