



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **21.07.2020**

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THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

**W.P. (MD) No.5345 of 2020**

P.Palanisamy

...Petitioner

Vs

1.The District Collector,  
Collectorate Building,  
Dindigul.

2.The Revenue Divisional Officer,  
Office of the Revenue Divisional Officer,  
Dindigul.

3.The Tahsildar,  
Ottanchathiram Taluk Office,  
Ottanchathiram,  
Dindigul District.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to restore the patta in Patta No.322 in respect of the land in S.No.562/3 measuring to an extent of 1.20.0 Hectares situated at Vadakadu Village, Ottanchathiram Taluk, Dindigul District, in the name of the petitioner's father, by considering the petitioner's representation dated 15.11.2019.

For Petitioner : Ms.K.Vidya for  
Mr.J.Lawrance

For Respondents : Mr.C.M.Marichelliah Prabhu  
Additional Government Pleader

**ORDER**

This Writ Petition is filed to direct the respondents to restore the patta in Patta No.322 in respect of the land in S.No.562/3 measuring to an extent of 1.20.0 Hectares situated at Vadakadu Village, Ottanchathiram Taluk, Dindigul District in the name of the petitioner's father.

2.According to the petitioner, depending on the extend of land enjoyed by the petitioner's father as well as the villagers, the Government has issued orders, whereby, DKT pattas were issued as



per the Revenue Board Standing Order to them. Thus, the petitioner's father, Perumalsamy Naicker, was granted assignment in DKT 176/81 with certain conditions, particularly, if any one violates the conditions, the assignment would stand cancelled.

3. Based on such assignment, petitioner's father as well as the villagers have developed the lands, obtained electricity connection, constructed small house and residing there. It is pertinent to mention that there are about 100 villagers, who were given the assignment patta and enjoying the lands and cultivating the same on their own. In all the revenue records such as 'A' Register etc., the name of the petitioner's father has been clearly mentioned.

4. During the life time of the petitioner's father as well as after his death, they have been continuously paying all the revenues and tax in respect of the aforesaid property without any default and his father was also given regular patta bearing No.322 by the then 3<sup>rd</sup> respondent.

5. At this juncture, when the petitioner was checking the revenue entries in respect of the aforesaid land, the classification of the land, which was standing in the name of the petitioner's father, was found to be changed as Sarkar Tharisu (Government Tharisu). After coming to know of the same, the petitioner approached the revenue officials and was advised to approach the concerned officials by way of filing a representation to seek his remedy. Thereafter, on 15.11.2019, the petitioner sent a detailed representation to the respondents, narrating all the facts and requesting them to carry out necessary corrections in the revenue records. But, on such representation no action has been taken by the respondents till date. Hence, left with no other alternative, the petitioner is before this Court.

6. From the records, it is seen that though this Court on 16.03.2020 directed the 3<sup>rd</sup> respondent to conduct an enquiry and to file a report, no report has been filed.

7. In reply, the learned Additional Government Pleader appearing for the respondents, on instructions, would submit that the enquiry has been postponed on 23.07.2020 to consider the petitioner's representation dated 15.11.2019. In that regard, the learned counsel appearing for the petitioner undertakes that the petitioner shall appear before the 3<sup>rd</sup> respondent on 23.07.2020 for enquiry and for producing the relevant documents.

8. In view of the submission made by the learned counsel on either side, this Court is inclined to pass the following directions:-



i) the petitioner and the interested parties, if any, are directed to appear before the 3<sup>rd</sup> respondent for enquiry on 23.07.2020 or any other subsequent date, within a period of two weeks from today and to produce all the relevant documents, if any;

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ii) on such appearance, the 3<sup>rd</sup> respondent is directed to conduct an enquiry and submit a report before the 2<sup>nd</sup> respondent;

iii) the aforesaid exercise shall be completed within a period of 4 weeks from the date of receipt of a copy of this order;

iv) on receipt of such report, the 2<sup>nd</sup> respondent is directed to consider the representation of the petitioner dated 15.11.2019 and pass appropriate orders on merits and on the basis of the report being submitted by the 3<sup>rd</sup> respondent, as expeditiously as possible;

9. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,  
Collectorate Building,  
Dindigul.

2. The Revenue Divisional Officer,  
Office of the Revenue Divisional Officer,

<https://hcservices.eprints.gov.in/hcservices/>

Dindigul.



3.The Tahsildar,  
Ottanchathiram Taluk Office,  
Ottanchathiram,  
Dindigul District.

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