



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2020

CORAM:

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

W.P.(MD)No.9565 of 2020

R.Vishwanathan

... Petitioner

Vs.

- 1.The Special Commissioner and
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai.
- 2.The District Collector,
Tirunelveli.
- 3.The District Revenue Officer,
Tirunelveli District.
- 4.The Revenue Divisional Officer,
Palayamkottai,
Tirunelveli District.
- 5.The Block Development Officer
cum Special Officer (Village Panchayat)
Pappakudi,
Tirunelveli District.
- 6.The Block Development Officer
cum Special Officer(Village Panchayat)
Manur,
Tenkasi District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to take action on the petitioner's representation dated 03.03.2016 and correct the mistake entry in survey No.718/1A, door No.98, Nadukkallur Village, in Kodaganallur Panchayat in Tirunelveli Taluk & District and restore the name of Sitalakshmi ammal Chatram in the same survey number.



For Petitioner : Mr.S.Siva Ilayaraja

For R1 to R4 : Mr.M.Rajarajan
Additional Government Pleader

For R5 & R6 : Mr.J.Gunaseelan Muthiah

ORDER

This Writ Petition is filed to direct the respondents to take action on the petitioner's representation dated 03.03.2016 and correct the entry in survey No.718/1A, door No.98, situated at Nadukkallur Village, in Kodaganallur Panchayat in Tirunelveli Taluk & District and restore the name of Sitalakshmi Ammal Chatram, in the same survey number.

2.Heard Mr.S.Siva Ilayaraj, learned counsel appearing for the petitioner, Mr.M.Rajarajan, learned Additional Government Pleader appearing for the respondent Nos.1 to 4 and Mr.J.Gunaseelan Muthiah, learned counsel appearing for the fifth and sixth respondents.

3.According to the petitioner, he is in possession and enjoyment of the property in Survey No.718/1A, Patta No.524, and Door No.98, to an extent of 38 cents, situated at Nadukkallur Village, Kodaganallur Panchayat in Tirunelveli Taluk & District. The said property consists of a vacant site and structure, which is called Sitalakshmi Ammal Chatram. After the death of the petitioner's father, there was a dispute regarding the enjoyment of the property and as such, the petitioner has filed a suit in O.S.No.1638 of 1981 before the District Munsif Court, Tirunelveli, and the said suit was decreed on 29.08.1989. That being so, during the process of UDR survey, the revenue officials committed a mistake and omitted the name of Sitalakshmi Ammal Chatram, in the above said survey number and replaced as poramboke land. When the petitioner has come to know that, he sent a representation to the District Collector as well as to the District Revenue Officer on 03.03.2016 to make necessary correction in the above said survey land. Since no action has been taken, the petitioner is before this Court.

4.The fifth respondent has filed a counter affidavit, wherein it has been stated that on receipt of the complaint, dated 06.07.2020 made by the petitioner, the Assistant Director of Panchayat, Tirunelveli, has sent a memo to the fifth respondent to conduct an enquiry. After conducting the enquiry, submitted the enquiry report to the Assistant Director of Panchayat, Tirunelveli, on 31.08.2020 in proceeding Na.Ka.No.A2/1155/2020. He further submitted that all the revenue records and reports have categorically revealed that the said land is a Government Poramboke land and it is vested with the Government and the same is now used for public utility. Therefore, there is no merit in the writ



petition filed by the petitioner and the same is liable to be dismissed.

5.The learned Additional Government Pleader appearing for the respondents 1 to 4 submitted that the petitioner's representation is pending before the third respondent for rectifying the mistake made during the UDR survey.

6.The petitioner has filed house tax receipts issued in the year 1985 - 1986 and also a copy of the judgment passed in O.S.No.1638 of 1981, dated 29.08.1989. Except the aforesaid documents, no other materials are placed before this Court, to prove the writ petitioner is in possession and enjoyment of the said property. Therefore, in the absence of any other materials before this Court, the petitioner has not convinced this Court for granting the relief as prayed for in the writ petition. Thus, there is no prima facie case made out to entertain the writ petition. In view of the above facts and circumstances of the case, this Writ Petition is dismissed. However, it is made clear that this order will not stand in the way of the respondent to consider the petitioner's representation, if it is otherwise eligible. No costs.

Sd/-

Assistant Registrar (AD-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 Special Commissioner and
Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai.

2.The District Collector,
Tirunelveli.

3.The District Revenue Officer,
Tirunelveli District.



4.The Revenue Divisional Officer,
Palayamkottai,
Tirunelveli District.

+1 CC to M/s.J.GUNASEELAN MUTHIAH, Advocate (SR-17171[F] dated
16/09/2020)

W.P. (MD)No.9565 of 2020

16.09.2020

NR (13.10.2020) 4P 6C