



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.09.2020

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.4751 of 2018

A.Palanisamy

... Petitioner

Vs

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The District Revenue Officer,
Thoothukudi.
- 3.The Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.
- 4.The Tahsildar,
Tiruchendur Taluk,
Thoothukudi District.
- 5.The Village Administrative Officer,
Nalumavadi Village,
Tiruchendur Taluk,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1, 3 and 4 to mutate the revenue records namely Settlement 'A' Registrar and Adangal in the petitioner's name instead of Sakthi Kovil and Vacant Site and issue Patta to him in respect of the properties in S.No.130/105 and 130/111, Nalumavadi Village, Tiruchendur Taluk and Thoothukudi District based on the report of the 3rd respondent by his proceedings in Na.Ka.A1/2290/2011 dated 09/11/2011 and Na.Ka.A1/2290/2011 dated 17/02/2012.

For Petitioner : Mr.R.Balakrishnan

For Respondents: Mr.M.Pandiarajan
Additional Government Pleader



ORDER

This writ petition is filed to direct the respondents 1, 3 and 4 to mutate the revenue records, namely Settlement 'A' Registrar and Adangal, in favour of the petitioner instead of Sakthi Kovil and vacant site and issue patta to him in respect of the property in S.Nos.130/105 and 130/111, situated at Nalumavadi Village, Tiruchendur Taluk, Thoothukudi District.

2. According to the petitioner, he succeeded the property in S.Nos.130/105 and 130/111 situated at Nalumavadi Village, Tiruchendur Taluk, Thoothukudi District, by virtue of the partition deed dated 06.03.1969. However, at the time of verifying the revenue records, the petitioner came to know that the properties in S.Nos.130/105 and 130/111 have been wrongly mentioned in the revenue records as Sakthi Kovil and Vacant Site respectively.

3. Thereafter, the petitioner made a representation before the 1st respondent seeking to rectify the said mistakes found in the revenue records and to issue patta in favour of him and the 1st respondent, by proceedings dated 04.01.2011, directed the 3rd respondent to conduct an enquiry and submit a report to that effect.

4. In compliance of the above, the 4th respondent / the Tahsildar, Tiruchendur Taluk, Thoothukudi District, had conducted an enquiry and submit a report before the 3rd respondent on 25.05.2011. Thereafter, the 3rd respondent by his report dated 09.11.2011, recommended the 1st respondent to rectify the aforesaid mistakes occurred in the revenue records, by accepting that the entry made in the revenue records is by mistake. On 17.02.2012, the 3rd respondent once again recommended the 1st respondent to rectify the mistake occurred in the revenue records. Despite the same, no action has been taken by the 1st respondent. Hence, left with no other alternative, the petitioner issued a legal notice to the respondents herein and submitted a representation dated 03.08.2017. However, no action has been taken so far. Hence, the petitioner is before this Court for the relief stated supra.

5. The learned Additional Government Pleader appearing for the respondents, on instructions, would submit that based on the reports submitted by the 3rd respondent dated 09.11.2011, 17.02.2012 and 05.09.2020, a direct inquiry was conducted by the Sub Collector, Thoothukudi District on 03.09.2020. Thereafter, for passing appropriate final orders on the petitioner's representation dated 03.08.2017, the petitioner was advised to submit the relevant documents to establish his right over the said property. However, the petitioner did not submit any relevant documents till date. Therefore, the learned Additional Government Pleader seeks time to pass final orders on such representation.



6. In reply, the learned counsel appearing for the petitioner would submit that the petitioner is ready and willing to submit all the relevant documents before the 1st respondent to establish his right over the said property.

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

i) the petitioner is directed to submit the relevant documents before the 1st respondent within a period of two weeks from the date of receipt of a copy of this order;

ii) except the documents, which has to be produced by the petitioner, if any other documents are necessary to proceed with the matter, the 1st respondent shall issue notice to the petitioner for getting the same;

iii) on receipt of all such documents, the 1st respondent is directed to consider the petitioner's representation dated 03.08.2017 and pass appropriate orders on merits and in accordance with law;

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

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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,
Thoothukudi District,
Thoothukudi.

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



2.The District Revenue Officer,
Thoothukudi.

3.The Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.

4.The Tahsildar,
Tiruchendur Taluk,
Thoothukudi District.

5.The Village Administrative Officer,
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Tiruchendur Taluk,
Thoothukudi District.

+1 CC to M/s.Special Govt.Pleader (SR-16364[F] dated 09/09/2020)

W.P. (MD) No.4751 of 2018
08.09.2020

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SDS (29.09.2020) 4P-7C