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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.1340 of 2020

S.Kanthamani

... Petitioner

Vs.

1.The District Revenue Officer,
Salem.

2.The Sub Collector,
Mettur,
Salem District.

3.The Tahsildar,
Omalur,
Salem District.

4.The Village Administrative Officer,
Kotta Goundampatti Village,
Omalur Taluk,
Salem 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 make entry in the computerized data in respect of the petitioner's land Patta No.8 relating to Survey No.28/7 measuring an extent of 0.10.0 hectares of Kottagoundampatti Village, Omalur Taluk, Salem District within a stipulated period of time.

For Petitioner : Mr.R.Ezhilarasan

For respondents: Mr.K.M.D.Muhilan
Government Advocate

ORDER

This petition has been filed for a mandamus to direct the respondents to make entry in the computerized data in respect of the petitioner's land Patta No.8 relating to Survey No.28/7 measuring an extent of 0.10.0 hectares of Kottagoundampatti Village, Omalur Taluk, Salem District within a time frame.



2.The case of the petitioner is that the property in Survey No.28/7 measuring an extent of 0.10.0 hectares Kotta Goundampatti Village, Omalur Taluk was in enjoyment with his fore fathers more than 100 years. According to the petitioner, after demise of his fore fathers, the petitioner is in continuous enjoyment for the past 35 year and considering his possession and enjoyment, the third respondent issued assignment patta on 13.08.1991 and thereafter, computerized patta was issued in the year 2015.

3.According to the petitioner, computerized patta was issued by including Survey No.26/1A mistakenly whereas Survey No.28/7 alone belongs to him.

4.The petitioner submits that on 27.01.2016, he received a notice from the third respondent for enquiry in respect of Survey No.28/1A, the petitioner appeared before the third respondent and explained that based on the assignment patta, he is having right only in Survey No.28/7 and he had no objection to remove Survey No.28/1A from computerized patta.

5.The petitioner further submits that the third respondent has mutated the revenue records in respect of Survey No.28/1A in the name of Government Higher Secondary School, while mutating the revenue records, the mistake had happened in computerized patta and removed the entire patta from the computer entry in respect of his land in Survey No.28/7 of Kotta Goundampatti Village.

6.According to the petitioner, he gave a representation to the second respondent on 29.08.2016 and only thereafter, the Tahsildar has mutated the entry and has never made entry in the computerized patta.

7.The petitioner submits that he gave a representation to the respondents on 26.11.2019 for the past 3 years to make entry in the computer and issue a computerized patta but so far, the respondents are not taking any steps to make entry in the computerized register.

8.The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

9.Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the materials available on record.



10. On going through the typed set of papers, it is seen that the property in Survey No.28/7 measuring an extent of 0.10.0 hectares Kotta Goundampatti Village, Omalur Taluk, the petitioner was in enjoyment with his fore fathers more than 100 years. After demise of his fore fathers, the petitioner is in continuous enjoyment for the past 35 year and considering his possession and enjoyment, the third respondent issued assignment patta on 13.08.1991 and thereafter, computerized patta was issued in the year 2015 and the computerized patta was issued mistakenly but Survey No.28/7 alone belonged to the petitioner. According to the petitioner, he received a notice from the third respondent for enquiry in respect of Survey No.28/1A, he appeared before the third respondent and explained that based on the assignment patta, he is having right only in Survey No.28/7 and he had no objection to remove Survey No.28/1A from computerized patta. The third respondent has mutated the revenue records in respect of Survey No.28/1A in the name of Government Higher Secondary School, while mutating the revenue records, the mistake had happened in computerized patta and removed the entire patta from the computer entry in respect of his land in Survey No.28/7 of Kotta Goundampatti Village.

11. In view of the above and the submissions made by the petitioner, this Court is of the view that the Authorities shall conduct enquiry and pass appropriate orders in accordance with law after verifying all the necessary documents, within a period of eight weeks from the date of receipt of a copy of this order.

12. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The District Revenue Officer,
Salem.
2. The Sub Collector,
Mettur,
Salem District.
3. The Tahsildar,
Omalur, Salem District.



4.The Village Administrative Officer,
Kotta Goundampatti Village,
Omalur Taluk,
Salem District.

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+1cc to Mr.R.Ezhilarasan, Advocate, S.R.No.47928
+1cc to the Government Pleader, S.R.No.47536

W.P.No.1340 of 2020

SJ(CO)
CB(18/10/2021)