

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:17.03.2021

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.10040 of 2018

Angamuthu
S/o.Veeran

... Petitioner

Vs.

- 1.The District Revenue Officer,
Villupuram District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,Kallakurichi.
- 3.Raman, S/o.Palani
- 4.Sammanki, S/o.Vaiyapuri
- 5.Pavadai, S/o.Periyasamy

... Respondents

Prayer: Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents consider the petitioner's representation dated 05.08.2017 consequently direct the respondents 1 & 2 to rectify the patta issued with respect to the petitioner's property in S.No.244/4 Kanankoor Village, Kallakurichi Village admeasuring about 10 cents.

For Petitioner : Mr.S.N.Subramani
For Respondents: No appearance

ORDER

The writ petition is filed for issuing a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 05.08.2017 and consequently direct the respondents 1 & 2 to rectify the patta issued with respect to the petitioner's property in S.No.244/4 Kanankoor Village, Kallakurichi Village admeasuring about 10 cents.

2.The case of the petitioner is that he has purchased the property measuring an extent of 5 cents in S.No.244/4 in Kanankoor Village by a sale deed in the year 1984 from one Aathimoolam, wife of Chinathambi. It is further stated that the petitioner has purchased another property measuring an extent of

5 cents in S.No.244/4 in Kanankoor Village from Santhosam, wife of Krishnanayar vide doc.No.2484/85. It is stated that out of petitioner's, 10 cents of land, 3 cents, of land was wrongly allotted to the respondents 3 to 5 and also patta has been issued in favour of them. The further case of the petitioner is that he made a representation dated 05.08.2017 to cancel the patta issued in favour of respondents 3 to 5 with respect to the extra land. Thereafter, the first respondent directed the second respondent to conduct an enquiry on the petitioner's representation and take necessary action. As per instructions of the second respondent, the petitioner appeared before the second respondents and produced all the documents for consideration. Even then, the respondent failed to take necessary action on the petitioner's representation. Hence, the present writ petition is filed.

3.The petitioner has not produced the sale deed and also the revenue records before this Court to show that the vendor of the petitioner had title at the time when he purchased the property.

4.In the absence of any documents of title or revenue records to show his title or possession, this Court cannot give a positive direction to the petitioner. However, the petitioner stated that his representation dated 05.08.2017 was considered and the first respondent directed the second respondent to conduct the enquiry on the petitioner representation. As per the directions of the first respondent, the second respondent conducted the enquiry and requested the petitioner to submit his documents.

5.This Court is of the view that this writ petition can be disposed of without expressing any opinion on the merits of the petitioner's representation and contentions. The second respondent is directed to consider the representation submitted by the petitioner dated 05.08.2017 and dispose of the same in accordance with law, after giving an opportunity to the petitioner and respondents 3 to 5 or any other interested persons. This exercise shall be done by the second respondent within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above directions, the writ petition is disposed of. No Costs.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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Copy to

1.The District Revenue Officer,
Villupuram District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Kallakurichi.

+1 CC to Government Pleader SR No.17591

W.P.No.10040 of 2018

SV(CO)
RG.20.04.2021