

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No. 7699 of 2021
and W.M.P. No.8291 of 2021

R.Selvaraj

.. Petitioner

Vs

1.The District Collector,
Office of the District Collectorate,
Villupuram District.

2.The Tahsildar,
Kandachipuram Taluk,
Kandachipuram,
Villupuram District.

3.Laxumanan

4.Sekar

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the second respondent to expedite the enquiry of petitioner's representation dated 11.11.2019 and status quo to be maintained till disposal of this writ petitioner of the above said land i.e. out of the 9 cents of land situated in Survey No.124/4 (New Survey No.278/25), S.Kollur village, Kandachipuram Taluk, Villupuram District.

For Petitioner : Mr. S.Selvakumar

For Respondents 1&2 : Mr. S.N.Parthasarathy
3&4 : No appearance

O R D E R

This writ petition is filed to issue a writ of mandamus directing the second respondent to expedite the enquiry on the petitioner's representation dated 11.11.2019 and to direct the parties to maintain status quo till the disposal of the writ petition in respect of an extent of 3 Cents out of 9 Cents.

2. The case of the petitioner is that his father Thiru.Ramasamy was allotted an extent of 9 Cents of land in Survey No.124/4 (New Survey No.278/25), S.Kollur village, Kandachipuram Taluk, Villupuram District by the Deputy

Tahsildar in the year 1970. It is the case of the petitioner that his father Thiru.Ramasamy, was in absolute enjoyment of the property by doing cultivation. It is stated that the petitioner's father and mother died in the year 2010 and 2015 respectively. Though the petitioner is entitled to patta for an extent of 9 cents as per the original allotment, it is stated by the petitioner that patta in respect of 3 cents out of 9 cents was given in favour of third respondent. In the said circumstances, the petitioner gave a representation to the second respondent namely the Tahsildar, requesting cancellation of patta issued in the name of third respondent. Alleging that the second respondent has not passed any order, the above writ petition is filed.

3. The petitioner himself has produced before this Court a communication dated 19.11.2019. The second respondent by his Communication dated 19.11.2019 informed that patta for an extent of 3 cents for 123 Sq.mt. in new survey No.278/25 was given in favour of one K.Lakshmanan and that the petitioner has to approach the Revenue Divisional Officer by way of an appeal. Despite the communication dated 19.11.2019, by the second respondent that the petitioner's remedy is to file an appeal before Revenue Divisional Officer as patta was granted by the Tahsildar as per natham settlement, the petitioner has approached this Court.

4. The petitioner in the earlier representation has stated that there was a mistake in UDR and that patta was wrongly given in favour of the third respondent in the writ petition. If mutation was effected by mistake, such mistake or error can be corrected only by the District Revenue Officer and not by the Tahsildar. The petitioner has not impleaded either the District Revenue Officer or the Revenue Divisional Officer before whom the remedy lies for the petitioner. Having regard to the facts admitted, the remedy of petitioner is to go before the Appellate Authority namely the Revenue Divisional Officer to challenge the order granting patta in favour of the third respondent or before the District Revenue Officer in case the mutation of patta in favour of third respondent is an error at the time of UDR.

5. With the liberty preserved to the petitioner to approach either the Revenue Divisional Officer or the District Revenue Officer, as indicated above this Writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

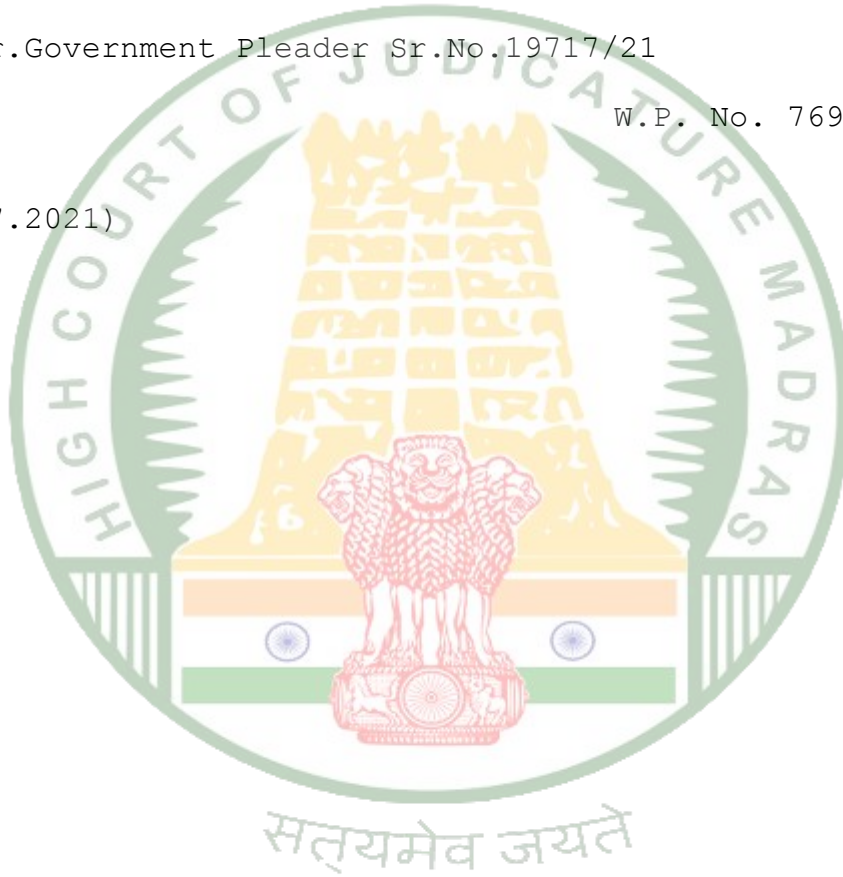
1.The District Collector,
Office of the District Collectorate,
Villupuram District.

2.The Tahsildar,
Kandachipuram Taluk,
Kandachipuram,
Villupuram District.

+1cc to Mr.Government Pleader Sr.No.19717/21

W.P. No. 7699 of 2021

JPL (CO)
R.K.(13.07.2021)



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