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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 07.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.13993 of 2021

Karuppan

... Petitioner

-Vs-

1 The District Collector
Collectorate, Vengikkal
Tiruvannamalai 606 604

2 The District Revenue Officer
Collectorate, Vengikkal
Tiruvannamalai 606 604

3 The Revenue Divisional Officer
Annasalai Villupuram - Mangalore Road
Tiruvannamalai 606 601

4 The Tahsildar
Chengum Taluk Office
Tiruvannamalai District 606 709.

.. Respondents

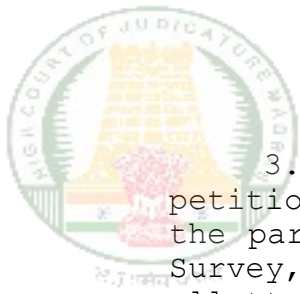
Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 4th respondent to consider petitioner representation dated 25.9.2020.

For Petitioner : Ms.S.Menaka
For Respondents : Mr.K.M.D.Muhilan,
Government Advocate

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the 4th respondent to consider petitioner representation dated 25.9.2020.

2. The case of the petitioner is that, there had been a partition between the petitioner and his brother one Ranganathan and his father Narayanasamy Konar in the year 1987 and the said partition deed dated 30.06.1987 was registered as Document No.1087 of 1987 at the Sub Registrar Office, Chengam. According to the said partition deed, the 'C' Schedule Property contained in various Survey Numbers viz., S.No.121/1B2, 121/1D1 etc., in Pinjur Village, Tiruvannamalai District had been allotted to the petitioner.



3. In this regard, it is the further case of the petitioner that, though the entire 'C' Schedule Property of the partition had been allotted to the petitioner, during UDR Survey, for some of the Survey Numbers which have been allotted to the petitioner, patta has been issued in favour of the petitioner's brother one Ranganathan and therefore, in order to cancel the said patta and to issue patta in favour of the petitioner in respect of those lands, the petitioner has given a representation to the first respondent District Collector on 25.09.2020 and the said representation since has not been considered so far, he has filed this writ petition seeking the aforesaid prayer.

4. Reiterating the aforesaid facts, Ms.S.Menaka, learned counsel appearing for the petitioner seeks the indulgence of this Court to issue suitable direction to the respondents to consider the representation of the petitioner and pass orders on merits.

5. On the other hand, Mr.K.M.D.Muhilan, learned Government Advocate appearing for the official respondents would submit that, first of all, if any mistake has taken place in the issuance of UDR Patta, the appropriate authority to rectify the same is the District Revenue Officer. Therefore, the representation given to the District Collector cannot be considered by him. Secondly, in the said representation dated 25.09.2020, the petitioner has not specifically stated as to in which survey numbers patta has been given wrongly according to the petitioner to and in favour of his brother Ranganathan. Unless and until those details are given and such a representation is given to the second respondent District Revenue Officer, the grievance of the petitioner cannot be resolved and therefore, he submits that, if any additional or fresh representation is given by the petitioner, pointing out the survey numbers, which according to the petitioner have been given wrongly in the UDR Patta in favour of the petitioner's brother, such representation would be considered by the second respondent after hearing both the petitioner as well as his brother, and final decision would be taken within a time frame as stipulated by this Court.

6. I have considered the submissions made by the learned counsel appearing for either side and perused the materials placed on record.

7. As has been rightly pointed out by the learned Government Advocate appearing for the respondents, first of all the appropriate authority to decide the issue raised in the representation of the petitioner is the second respondent District Revenue Officer to whom the representation has not been given.



8. The petitioner also in the representation dated 25.09.2020 has not given the details as to which survey numbers belonging to him are wrongly issued UDR Patta to and in favour of the petitioner's brother one Ranganathan.

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9. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.

- It is open to the petitioner to make a fresh detailed representation to the second respondent ie., District Revenue Officer, Tiruvannamalai, where the petitioner can give the details as to which are all the survey numbers covered under the 'C' Schedule Property as per the partition deed dated 30.06.1987, which are wrongly issued UDR Patta to and in favour of the petitioner's brother Ranganathan and such representation shall be given to the second respondent as early as possible.
- Once such a representation is given by the petitioner as indicated above, the second respondent shall consider the same and decide the said representation after giving an opportunity of being heard to both the petitioner as well as his brother Ranganathan and accordingly, if any rectification is required to be undertaken, the same also can be undertaken and the needful shall be completed within a period of twelve weeks thereafter.

10. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

KST

To

- 1 The District Collector
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Tiruvannamalai 606 604
 - 2 The District Revenue Officer
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Annasalai Villupuram - Mangalore Road
Tiruvannamalai 606 601
 - 4 The Tahsildar
Chengum Taluk Office, Tiruvannamalai District 606 709.
- +1cc to Mr.N.E.Athipanraj, Advocate SR.No. 31599

W.P.No.13993 of 2021

BD (CO)

<https://hcservices.ecourts.gov.in/hcservices/>
A.SR(02.08.2021)