



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.23424 of 2021

- 1.S.Sivakumar
- 2.S.Prabhakaran
- 3.Manimekalai
- 4.Mallika
- 5.Malarkodi
- 6.Vanaja

...Petitioners

Versus

1. The Tahsildar
Cuddalore Taluk,
Cuddalore - 607 001.
2. The Commissioner,
Cuddalore Municipality,
Bharathi Road,
Cuddalore-607 001

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to enter the name of the petitioners 1 and 2 in the revenue records and Town Survey Land Register in respect of the property measuring 2625 Sq.ft.. in Block No.26, Ward No.2 (presently Ward No.45) in Chinnapachayankuppam Village, Cuddalore Municipal limits, Cuddalore Taluk, Cuddalore District.

For Petitioner : Mr.R.Gururaj
for Mr.D.Baskar
For Respondents : Mr.V.Veluchamy
Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, to direct the respondents to enter the name of the petitioners 1 and 2 in the Revenue Records and Town Survey Land Register in respect of the property measuring to an extent of 2625 sq.ft.. in Block No.26, Ward No.2 (presently Ward No.45) in Chinnapachayankuppam Village, Cuddalore Municipal limits, Cuddalore Taluk, Cuddalore District.



2. The petitioners' paternal grandfather namely Murugesan was a member of the Indian Army during the British regime and he was assigned a vacant site measuring to an extent of 2625 Sq.ft. in T.S.No.1778/2 in Block No.26, Ward No.2 (Presently Ward No.45) in Chinnapachayankuppam Village, Cuddalore District and all the Revenue Records were mutated in his name. After his demise, the petitioner's father namely Shanmugham and his family members took possession and enjoyment of the same. Thereafter, the first respondent/Tahsildar taking advantage of the above situation, had made wrong entries in the Revenue Records as if it is a Government Quarters. However, the land measuring to an extent of 2625 sqft could never have been enough to construct Government quarters. Therefore, the petitioner's father gave several representations to the respondents regarding the above said issue. Thereafter, the Revenue Divisional Officer vide his communication dated 06.08.2014 sought a report from the 1st respondent, and the 1st respondent who in turn, sought a report from the Revenue Inspector and the Village Administrative Officer, who made enquiries and submitted their report dated 04.11.2014 and 17.11.2014, confirming the assignment of the above said property and recommended to issue patta in the name of the petitioners father. While so, the Village Administrative Officer, enquired several villagers and also took their signatures in his report. Based on the above report submitted by the Village Administrative Officer and the Revenue Inspector, the 1st respondent sent a communication dated 29.12.2014 to the Revenue Divisional Officer recommending the same. However, till date, no orders have been passed on the same. In the meantime, the petitioners father died on 20.08.2020. On 31.07.2020, the petitioners obtained a copy of TSLR from the internet where he found that the entry of the said property was changed into Government Poramboke and the same has been effected on 03.09.2018. The 2nd respondent has on its own altered the register detrimental to their interest and behind their back, hence, the second respondent has made alteration fraudulently. Hence, the second petitioner made a representation dated 27.03.2021 to the respondents pointing out the flawed entry and seeking alteration and transfer of the same in favour of the petitioners 1 and 2, but, till date, no action has been taken by the respondents. Hence this petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondents to consider the petitioner's representation dated 27.03.2021 and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without



expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the respondents to consider the petitioner's representation dated 27.03.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioners within a period of sixteen weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CJ Conf.)

//True Copy//

Sub Assistant Registrar

gba

To

1. The Tahsildar
Cuddalore Taluk,
Cuddalore - 607 001.
2. The Commissioner,
Cuddalore Municipality,
Bharathi Road,
Cuddalore.

+1cc to Mr.D.Baskar, Advocate, S.R.No.56421

W.P.No.23424 of 2021

BR(CO)
KKV/14/12/2021