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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2021

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.19689 OF 2021

S.A.Ravi

... Petitioner

-Vs-

1. The Sub Collector,
Mettur,
Salem District - 636 001.

2. The Revenue Tahsildar,
Mettur Taluk,
Salem District - 636 503.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 11.06.2020 and to issue patta in favour of the legal heirs of Mrs.Soundammal including the petitioner regarding the properties comprised in Survey Nos.448/13, 420/19, 420/20, 420/21, 423/11, 448/11 and 448/10 situated in Malayampalayam, Avadathur Village, Mettur Taluk after removing the names of the persons, who have no right over the properties.

For Petitioner : Mr.P.Sesubalan Raja

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

O R D E R

This Writ Petition has been filed to direct the first respondent to consider the representation of the petitioner dated 11.06.2020 and to issue patta in favour of the legal heirs of Mrs.Soundammal including the petitioner regarding the properties comprised in Survey Nos.448/13, 420/19, 420/20, 420/21, 423/11, 448/11 and 448/10 situated in Malayampalayam, Avadathur Village, Mettur Taluk after removing the names of the



persons, who have no right over the properties.

2. The case of the petitioner is that the properties comprised in Survey Nos. 448/13, 420/19, 420/20, 420/21, 423/11, 448/11 and 448/10 situated in Malayampalayam, Avadathur Village, Mettur Taluk originally belonged to one Mrs.Soundammal, who is the petitioner's grandmother (father's mother). She had got the above properties vide Partition Deed registered as Document No. 1593/1932. The petitioner's father predeceased his mother Soundammal. His grandfather Mr.R.K.V.Subramania Chettiar had also died on 10.10.1988. Later, the petitioner's grandmother Mrs.Soundammal died intestate on 05.02.1992 leaving behind seven legal heirs including the petitioner.

3. In the above circumstance, it is stated that the petitioner moved his family to Anthiyur in Erode District for his livelihood and was working in weaving industry. Some unscrupulous elements in the village, taking advantage of the petitioner's absence, during the updating of revenue record scheme in the year 1990, got entry of their names in the relevant revenue records of the above properties.

4. As already stated, since the petitioner was in Anthiyur, he did not have any chance to know about the above change. Unfortunately, the authority had also chosen to make the above changes without verifying the genuineness of the claim made by the persons, who claim right over the property. The authorities have also not chosen to issue any notice to the legal heirs of the persons, in whose name the patta was standing.

5. Further, it is submitted that the petitioner had come to know about the above changes only in the month of June, 2020. Immediately, he had sent a representation to the first respondent seeking removal of the names, which were added in the revenue records without any material to substantiate their right. Even if the persons had submitted any document, the authorities would not have made changes in the revenue records without issuing notice to the legal heirs of the original patta holder including the petitioner.

6. Further, it is stated that the first respondent who received the petitioner's representation forwarded the same to the second respondent. The second respondent, in turn, vide his communication dated 17.08.2020 directed the Revenue Inspector, Nangavalli to send a report after inspecting the properties and conducting enquiry. However, the Revenue Inspector has neither visited the properties nor conducted any enquiry so far. Unfortunately, the second respondent has also not chosen to take further steps to get a report from the Revenue Inspector. Hence, the matter is still pending with the first respondent.



7. It is also stated that subsequently in view of the changes made in revenue records, we, the owners of the properties are not able to exercise our right over the same. On the other hand, the persons, who got patta in their favour, are attempting to create encumbrance in the properties. If they are allowed to create encumbrance in the properties in view of the patta standing in their name, we will be put to irreparable loss and hardship. Hence, with no other opportunity, the petitioner has filed this Writ Petition with the above prayer.

8. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the first respondent to consider the petitioner's representation dated 11.06.2020 and dispose of the same within a stipulated time that may be framed by this Court.

9. Heard Mr.P.Sesubalan Raja, learned counsel for the petitioner and Mr.Yogesh Kannadasan, learned Government Advocate appearing for the respondents.

10. 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 first respondent to consider the petitioner's representation dated 11.06.2020 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and respondents within a period of four months from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vji

To

1. The Sub Collector,
Mettur,
Salem District - 636 001.



2. The Revenue Tahsildar,
Mettur Taluk,
Salem District - 636 503.

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+1cc to Mr.P.Sesubalan Raja, Advocate, S.R.No.47691
+1cc to the Government Pleader, S.R.No.47883

W.P.NO.19689 OF 2021

RLD(CO)
PBS/06/10/2021