



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No. 23583 of 2021

P. Sakthivel

... Petitioner

Versus

1. The District Collector,
District Collectrate,
Salem District.

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Attur, Salem District.

3. The Tahsildar,
Gengavalli, Salem District.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying Writ of Mandamus directing the respondents to consider the petitioner's representation dated 24.07.2019 to implement the proceedings of the 2nd respondent dated 30.07.2018 in Na.Ka.4692/2016/Aa1.

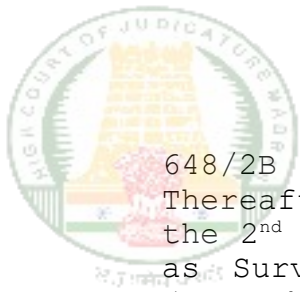
For Petitioner : Mr.P.Anbalagan

For Respondents : Mr.Yogesh Kannadasan
Government Advocate.

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, direction to the respondents to consider the petitioner's representation dated 24.07.2019 to implement the proceedings of the 2nd respondent dated 30.07.2018 in Na.Ka.4692/2016/Aa1.

2. The case of the petitioner is that he is the owner of the property situated at Survey No.648/2, Gengavalli South Village, Gengavalli Taluk, Salem District by virtue of a registered sale deed vide Document No.1644/2006, dated 11.06.2006. While so, the respondents without giving any notice to the petitioner, they sub-divided the above said S.Nos.648/2A,



648/2B and 648/2C measuring to an extent of 2.79 Cents. Thereafter, the petitioner sent a petition dated 15.06.2016 to the 2nd respondent to cancel the sub-division and to integrate it as Survey No.648/2 measuring to an extent of 1.75.0 Hectare (Acre 4.32 cents) in Patta No.1729, its earlier status. Based on the above said representation, the 3rd respondent conducted field inspection, reviewed all the revenue records and finally submitted a report stating that the difference between the extent mentioned in the document and the extent in the new sub-divisions is high and also as the same was created without complying the extent of the documents, recommended to integrate the new sub-divisions in the name of (1) Kandhasamy Gounder, (2) Athiyappa Gounder and (3) Ramasamy Gounder in Patta No.1729 in the earlier status itself. Based on the above recommendations of the 3rd respondent, the 2nd respondent through his proceedings No. Na.Ka.4692/2016/A1 dated 30.07.2018 directing the 3rd respondent to cancel the sub-divisions and send a report on the same. Even after the lapse of seven months from the date of passing the order, no action was taken by the 3rd respondent. Therefore, the petitioner gave a representation dated 24.07.2019 to the respondents to implement the order in Na.Ka.4692/2016/A1 dated 30.07.2018 passed by the 2nd respondent, but, till date, no action has been taken by the respondents. Hence, the petitioner has come forward with the present writ 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 24.07.2019 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 24.07.2019 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and respondents within a period of sixteen weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

gba



To

1. The District Collector,
District Collectrate,
Salem District.

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Attur, Salem District.

3. The Tahsildar,
Gengavalli, Salem District.

+1cc to M/s.P.Anbalagan, Advocate, S.R.No.57586

+1cc to the Government Pleader, S.R.No.57596

W.P.No.23583 of 2021

PMK(CO)
SB(15/12/2021)