



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 25.08.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.24482 of 2019
(Through Video Conference)

V.P. Jayakumar

...Petitioner

Vs

1) The Principal Secretary and Commissioner
of Land Administration,
Chepauk, Chennai - 600 005.

2) The District Revenue Officer,
Coimbatore.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, issuing suitable direction directing the first respondent herein to dispose the appeal dated 09.01.2014 made against the order of the second respondent herein in R.C. No. 13258/2013/E1 dated 04.12.2013 within a prescribed time limit.

For Petitioner : Mr.Manoj Sreevatsan

For Respondents : Mr.K.M.D. Mukilan,
Government Advocate

O R D E R

This Writ Petition has been for a Writ of Mandamus, seeking for a direction to the first respondent herein, to hear and dispose of the appeal dated 09.01.2014 made against the order of the second respondent herein in R.C.No.13258/2013/E1 dated 04.12.2013 within a prescribed time limit to be fixed by this Court.



2. The case of the petitioner is that the petitioner's great grand father purchased agriculture lands situated at Vellalur Village (previously known as SARKAR Agraharavellalur), Coimbatore South Taluk comprised in S.Nos.766/A, 767/A and 764/C, by way of sale deed dated 18.05.1913 from one Thiru.Ramasami Chettiyar and some mistake had crept in the re-survey and settlement register and in UDR conducted during the year 1985 or thereabouts in the Village 'A' Register and with respect to S.No.764/C (re-numbered as 764/5) and the said lands have been included under the wrong classification as 'Tharaisu', prejudicing the petitioner's family.

3. The petitioner, on coming to know of the same, had given a representation in the year 2009 to rectify the said mistake committed by the Revenue Authorities and the petitioner's father D.Palanisamy gave a representation in the year 2012 itself, to rectify the same. During the pendency of the petition, the petitioner's father died on 01.04.2013 and the petitioner has given a representation on 03.06.2013 and as per the orders of the Commissioner of Survey and Settlement, who clarified that as per the guidelines of the Manual of Re-Settlement in paragraphs 13 and 37, the District Revenue Officer is alone vested with the power to rectify or correct any error found while carrying out the survey. The petitioner made a consolidated representation on 12.06.2012 to the R.D.O. and he in turn had rejected the same on 04.12.2013. Against the said order of rejection, the petitioner made an appeal before the second respondent herein on 09.01.2014

4. Learned counsel for the petitioner submitted that the stay petition and direction petition were dismissed. The appeal is pending for more than six years and it is pending for disposal before the first respondent. The petitioner also pointed out that he sought information from the office of the Commissioner of Land Administration, Ezhilagam on 17.08.2018 for details regarding the pendency of the said appeal. The Authorities have given the information stating that appeal petition dated 09.01.2014 filed by the petitioner has been taken up on file No.K4/1086/2014 and the same will be heard as per seniority and it was further stated that a probable date of hearing the case based on assumption cannot be provided under the provisions of the Right to Information Act and the direction and stay petitions dated 08.01.2014 filed by the petitioner were rejected or dismissed.

5. That being the case, the information given by the respondents stating that the petitioner's case which is pending for more than six years will be taken on seniority, cannot be kept pending from the year 2014. The petitioner has got every right to be heard in the appeal and the Appellate Authority,



namely the Revenue Authority is hereby directed to consider the said appeal on merits, after affording an opportunity to the concerned Authority and pass appropriate orders within a period of four months from the date of receipt of a copy of this order. Accordingly, this Writ Petition stands Disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To:

1.The Principal Secretary and Commissioner
of Land Administration,
Chepauk, Chennai - 600 005.

2.The District Revenue Officer,
Coimbatore.

+1cc to the Government Pleader Sr No.43398

+2ccs to M/s.Manoj Sreevatsan, Advocate Sr No.42834

W.P.No.24482 of 2019

PMK (CO)
PR (26/10/2021)