

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2021

CORAM

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No. 22159 of 2017

and W.M.P. No.23191 of 2017

K.Govindasami

.. Petitioner

Vs

1.The District Collector,
Sathuvachari,
Vellore District, Vellore.

2.The Revenue Inspector,
Alankayam,
Vellore District.

3.The Tahsildar,
Vaniyambadi Taluk Office,
Vaniyambadi, Vellore District.

4.The Village Administrative Office,
Nimmiyampattu,
Vaniyambadi Taluk,
Vellore District.

5.J.Ethirajulu Naidu

6.The Revenue Divisional Officer,
Sathuvachari,
Vellore Collector Office,
Vellore.

.. Respondents

[R6 impleaded as per order dated 11.09.2017 by MOJ in W.M.P. No.23820 of 2017 in W.P. No.22159 of 2017.]

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the third respondent to dispose the petitioner's representation dated 22.05.2017 consequently to cancel the fifth respondent's name in the revenue records of the petitioner's properties.

For Petitioner : No Appearance
For Respondents : Mr. M. Venkadesh Kumar,
Government Advocate

O R D E R

No representation for the petitioner. Having regard to the limited scope of the prayer sought in the Writ Petition, this Court is of view that the Writ Petition can be disposed of without affecting the rights of the petitioner.

2. This Writ Petition is filed for the issuance of the Writ of Mandamus directing the third respondent to dispose the petitioner's representation dated 22.05.2017 and to cancel the name of the fifth respondent in the revenue records in respect of the petitioner's properties.

3. It is stated that an extent of 2.25.0 Ares comprised in Survey Nos.229/14, 27/1A1 60/1B, 60/2C, 61/1A, 62/1B, 62/1B1, 63/1B1, 63/1B4, 63/3, 64/2B2, 64/2B3B were allotted to the petitioner in a partition deed dated 17.11.2008, registered as document No.2711 of 2009. It is further contended by the petitioner that the petitioner is in possession and enjoyment of the land and that he has not conveyed any of his property in the name of fifth respondent. The grievance of the petitioner is that the third respondent has wrongly issued patta in the name of fifth respondent and that the third respondent despite representations being sent, has not passed any orders cancelling the patta issued in favour of the fifth respondent. Hence, the petitioner preferred the present Writ Petition.

4. The third respondent is an authority who is empowered to modify the revenue records under Section 10 of the Tamil Nadu Patta Book Act, 1983. When an order is passed by the Tahsildar making modification of entries in the revenue records, the order can be challenged by way of an appeal before the Appellate Authority namely the Revenue Divisional Officer. In the present case the Revenue Divisional Officer is impleaded as sixth respondent. Hence, this Court is of the view that the Writ Petition can be disposed of with a direction to the sixth respondent to consider the representation of the petitioner.

5. Accordingly, the petitioner is directed to submit a fresh representation or a memorandum of appeal before the sixth respondent afresh within a period of two weeks from the date of receipt of a copy of this order. On such representation or appeal being made, the sixth respondent is directed to consider and dispose of the same on merits and in accordance with law, within a period of twelve weeks from date of receipt of representation, after affording sufficient opportunities to the petitioner and the fifth respondent.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bkn

To

- 1.The District Collector,
Sathuvachari,
Vellore District, Vellore.
- 2.The Revenue Inspector,
Alankayam,
Vellore District.
- 3.The Tahsildar,
Vaniyambadi Taluk Office,
Vaniyambadi, Vellore District.
- 4.The Village Administrative Office,
Nimmiyampattu,
Vaniyambadi Taluk,
Vellore District.
- 5.The Revenue Divisional Officer,
Sathuvachari,
Vellore Collector Office,
Vellore.

MGR (CO)
SM/08/03/2021

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