

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.02.2021

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.No.24059 of 2017

1.Mohan
2.Periyasamy
3.Lakshmanan

... Petitioners

Vs.

1.The District Collector,
Villupuram.
2.The Revenue Divisional Officer,
Villupuram.
3.The Tahsidhar,
Vannur.
4.The Village Administrative Officer,
Karasanur, Vannur.

... Respondents

Prayer: Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to restore the nature of the property at Survey 136/4, R.S.No.117/5, Karasanur Village, Vannur Taluk as "Patta Land" the name of the petitioners.

For Petitioners: Mr.V.Raghavachari

For Respondents: M/s.A.Madumathi
Special Government Pleader

ORDER

The writ petition has been filed for issuing a Writ of Mandamus, to direct the respondents to restore the nature of the property at Survey 136/4, R.S.No.117/5, Karasanur Village, Vannur Taluk as "Patta Land" in the name of the petitioners.

2.The case of the petitioner is that the property measuring to an extent of 0.11 cents in Survey No.136/4, R.S.No.117/5, Karasanur Village, Vannur Taluk, Villupuram District belonged to one Ammani Ammal and she executed a settlement deed in favour of her sons namely, Rasappa Gounder, Muthurama Gounder @

Muthukumara Gounder. Petitioners are their legal heirs. It is stated further that the land belonging to them, was shown as path way. Hence, petitioners approached the respondents and since they did not consider their representation, the present Writ Petition is filed.

3. During pendency of the writ petition, it appears that the Tahsildhar concerned, passed an order against the petitioners. It is further stated that the petitioners herein filed a writ petition and the same was disposed of with a direction to the petitioners to approach the Revenue Divisional Officer by way of appeal.

4. The learned Special Government Pleader submitted that the Revenue Divisional Officer by order dated 10.09.2020 dismissed the appeal and confirmed the order passed by the Tahsildar, rejecting the representation for granting of patta, after reclassification of the land to the petitioner. Having regard to the nature of order passed by the Revenue Divisional Officer, no direction as prayed for can be given.

5. The petitioners have filed the writ petition for mandamus, for reclassification and restoration of the land. Since for reasons, the request of petitioners is turned down the petitioners has to challenge the order rejecting the representation of the petitioners. The earlier writ petition filed before this Court was dismissed after giving liberty to the petitioners to approach the Revenue Divisional Officer the appellate authority. Now the Revenue Divisional Officer has passed the order on 10.09.2020 dismissing the claim of the petitioners. The petitioners have to challenge the order of Revenue Divisional Officer in the manner known to law. Even though, the petitioner can be given a liberty to file petition for amendment, having regard to the sequences and the directions of this Court in the earlier writ petition, this Court is not inclined to entertain this writ petition. No relief can be granted to the petitioners except preserving liberty to challenge the order of Revenue Divisional Order dated 10.09.2020 in the manner known to law. It is open to the petitioners to raise their points and objections.

Accordingly, the writ petition is dismissed. No Costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Copy to

1.The District Collector,
Villupuram.

2.The Revenue Divisional Officer,
Villupuram.

3.The Tahsidhar,
Vannur.

4.The Village Administrative Officer,
Karasanur, Vannur.

+1 CC to The Government Pleader sr 5188.

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SS(CO)
SP(17/03/2021)



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