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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.32346 of 2019

Vellaiyangiri

... Petitioner

-Vs-

1. The District Revenue Officer,
Coimbatore Collectorate,
Coimbatore - 18.
2. The Sub-Collector,
Coimbatore North,
Thudiyalur, Coimbatore - 34.
3. The Tahsildar,
Coimbatore North,
Coimbatore.
4. Lalithamani,
5. Balasundaram,
6. Amirtham,
7. M/s. Chettinadu Karuppar Housing
rep. by its Manager,
Avinashi Road, Opp. Mani's Theatre,
Peelamedu, Coimbatore - 4.

... Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, directing the respondents 1 to 3 to correct the mistake and issue Patta after sub-division of survey No.402, Kalaiparry Village, Coimbatore North Taluk, Coimbatore District by considering the petitioner's representation dated 05.04.2019 and 05.07.2019 and pass orders accordingly.

For Petitioner : M/s. R. Manoharan

For Respondents-1-3 : Mr. Veluchamy
(Government Advocate)



For Respondents 4-7 : No Appearance

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O R D E R

The relief sought for in this writ petition is for a direction to the respondents 1 to 3 to correct the mistake and issue Patta after sub-division of survey No.402, Kalaiparry Village, Coimbatore North Taluk, Coimbatore District by considering the petitioner's representation dated 05.04.2019 and 05.07.2019 and pass orders accordingly.

2.The learned counsel for the petitioner would submit that the land measuring an extent of 1.70 acres comprised in survey No.402, Kalaiparry Village, Coimbatore North Taluk, Coimbatore District, along with other properties was purchased by the father of the petitioner herein by virtue of sale deed dated 19.05.1961 jointly with M/s. Ramasamy and Subbanna for valuable consideration from Smt. Bhakiyalakshmi Ammal and others. In view of the Oral Partition was held between the petitioner's father along with M/s. Ramasamy and Subbanna, the aforesaid land was allotted to the petitioner's father and other property was allotted to M/s. Ramasamy and Subbanna. While being so, the father of the petitioner died on 29.03.1991 leaving behind his four sons including the petitioner herein and four daughters as legal heirs to inherit the said property. The said property was in the possession and enjoyment with the petitioner along with his brothers as per the customs.

3. It has been further submitted that in the interregnum M/s.Ramasamy and Subbanna sold their share to M/s.Coimbatore Suguna Agencies by way of registered Sale Deed in Document No.5816 of 1996. Under such circumstances, during the sub-division of the said larger extent of land in Survey No.402, the Revenue Authority failed to record the name of the petitioner and family members who are brothers and sisters of the petitioner and by oversight the Patta was given in the name of the respondents 4 to 7 alone. After coming to the knowledge of the petitioner, immediately, he along with family members made a representation dated 05.04.2019 before the 3rd respondent herein seeking for to correct the mistake in the Patta and a copy of the same was marked to the 2nd respondent herein. Since there was no action taken on the representation dated 05.04.2019 of the petitioner along with family members, again, the petitioner along with others has made another representation dated 05.07.2019 to the 1st respondent herein seeking for to correct



the mistake in the said patta who in turn directed the 3rd respondent to consider their claim by proceedings in O.Mu.No.15648/2019/E1 dated 02.08.2019. Even after directing the 3rd respondent by way of the aforesaid proceedings by the 1st respondent, their representation is not taken into account by the 3rd respondent and is still kept pending in spite of their earnest efforts. Hence, the petitioner is left with no other alternative and efficacious remedy except to approach this Court by invoking under Article 226 of Constitution of India seeking for a issuance of Writ of Mandamus directing the respondents to correct the mistake and issue patta in the name of the petitioner and his family members by considering the representations dated 05.04.2019 and 05.07.2019 made by the petitioner herein along family members who are legal heirs of the father of the petitioner.

4. The learned Government Advocate appearing for the respondents 1 to 3 would submit that enquiry on the representations dated 05.4.2019 and 05.7.2019 made by the petitioner herein was fixed on 14.02.2020. However, there is not known outcome of the enquiry by him.

5. Heard, the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 3 as well as perused the material available on records.

6. It is seen from the records that an enquiry was already fixed on 27.12.2019 to verify the connected records by the 3rd respondent herein. In view of the Panchayat Election held on that day, the said enquiry could not be conducted and the same has been fixed on 14.02.2020 to redress the grievance of the petitioner. In this regard, it has been informed by the learned counsel for the petitioner that on that day, the petitioner was informed that other parties were absent and hence enquiry will be conducted on some other day. On questioning the learned Government Advocate, as to the status of the enquiry held on 14.02.2020, he is not able to give proper answer for the same. It is the duty of the 3rd respondent to inform the further date of the enquiry to the petitioner herein. If there was no order passed with regard to the enquiry fixed on 14.02.2020, the 3rd respondent is directed to conduct the enquiry on the representations dated 05.04.2019 and 05.07.2019 after giving sufficient opportunity to the petitioner herein and pass appropriate orders in accordance with law within a period of Six months from the date of receipt of copy of this order.



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7. With the aforesaid directions, this Writ petition is disposed of. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

Lbm

To:

1. The District Revenue Officer,
Coimbatore Collectorate,
Coimbatore - 18.
2. The Sub-Collector,
Coimbatore North,
Thudiyalur, Coimbatore - 34.
3. Tha Tahsildar,
Coimbatore North,
Coimbatore.

+1cc to Mr.Manoharan, Advocate, S.R.No.50001

+1cc to the Government Pleader, S.R.No.50855

W.P. No.32346 of 2019

MG(CO)
SU(05/10/2021)