



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 30.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P. (MD)No.10821 of 2021

(Through Video Conferencing)

P.Sathish Kumar

... Petitioner

Vs.

1.The District Collector
Karur District,
Karur.

2.The Sub Registrar
Karur Joint 2
Sub Collector Office,
Karur 639 001.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 1st respondent to delist the survey No.749 situated at Manmangalam Village & Taluk, Karur from the list of water bodies maintained by the 1st respondent office and to issue no objection certificate for the purpose to register any documents pertains to survey No.749 before the 2nd respondent by considering petitioner's representation dated 23.03.2021.

For Petitioner

:Mr.I.Abrar Md.Abdulla

For Respondents

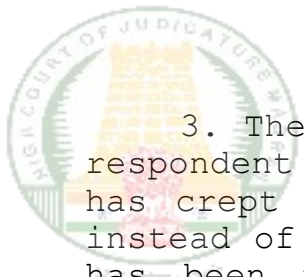
:Mr.R.Suresh Kumar

Government Advocate

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the first respondent to consider the representation made by the petitioner on 23.03.2021, wherein the petitioner has sought for a no objection certificate from the first respondent to deal with the property in S.No.749.

2. The case of the petitioner is that the property in S.No.749 is an ancestral property. Some portions of the property was sold and the remaining portion was in possession and enjoyment of the family and a patta was also granted in patta No.3621. The family members wanted to enter into partition and divide the property among themselves. Hence, a partition deed came to be executed on 15.03.2021 and it was presented for registration before the second respondent. The second respondent refused to register the document on the ground that the property in S.No.749 is classified as water body "Pond" in the revenue records.



3. The petitioner thereafter made a representation to the first respondent on 23.03.2021 seeking for rectification of the error that has crept in the revenue records and according to the petitioner, instead of mentioning the survey number as 745, which is a pond, it has been wrongly mentioned as S.No.749. The grievance of the petitioner is that the first respondent has not considered the representation made by the petitioner and as a result of the same, the petitioner is not able to proceed further with the registration of the partition deed before the second respondent. Left with no other option, the present writ petition has been filed before this Court seeking for appropriate directions.

4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents.

5. The learned counsel for the petitioner brought to the notice of this Court the information that was received from the office of the Tahsildar, Manmangalam. The document that was produced before this Court shows that S.No.749 stands in the name of private individuals and it has not been classified as a 'pond'. The learned counsel for the petitioner relied upon this document to substantiate his submission that there was a mistake on the part of the first respondent to have classified S.No.749 as a pond instead of S.No.745.

6. Taking into consideration the facts and circumstances of the case and the relevant documents that have been presented before this Court, there shall be a direction to the first respondent to act upon the representation made by the petitioner on 23.03.2021 and pass necessary/suitable orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

7. The petitioner is directed to make a fresh representation to the first respondent along with all the relevant documents and a copy of this order.

8. This writ petition is disposed of with the above direction. No costs.

Sd/-

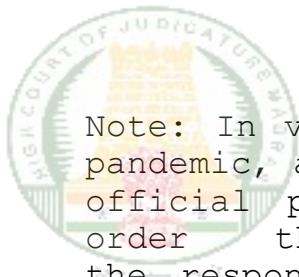
Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

1.The District Collector
Karur District,
Karur.

2.The Sub Registrar
Karur Joint 2
Sub Collector Office,
Karur 639 001.

+1 CC to M/s.SPL GP (SR-20906[F] dated 01/07/2021)

W.P. (MD) No.10821 of 2021
30.06.2021

KUN(CO)
KB(08.07.2021) 3P 4C