



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P (MD) No.12352 of 2021

WEB COPY

Vellai

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Thirumangalam,
Madurai District.

2.The Thasildar,
Thirumangalam,
Madurai District.

3.The Land Surveyor,
Office of Thasildar,
Thirumangalam Taluk,
Madurai District.

4.Rajendran

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd respondents to consider the petitioner's representation dated 29.06.2019 and classify the canal situated adjacent to petitioner land in Survey No.213/5 (Sub-divided as Survey No.213/5A2) Konkara Puliankulam Village, Thirumangalam Taluk, Madurai District as 'Nilaviyal odai' and consequently mutate the patta for the petitioner land measuring to an extent of 0.14 Acre in the above said survey number by considering proceedings in O.Mu.No.274/2019/A3 dated 10.07.2019 and O.Mu.No.3673/2020/A3 both are issued by the 1st respondent within time frame fixed by this Court.

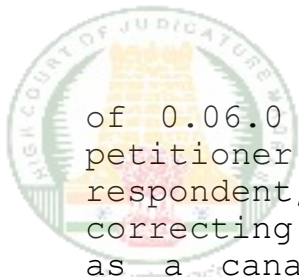
For Petitioner : Mr.V.Sukumar

For Respondents : Mr.R.Suresh Kumar,
Government Advocate for R1 to R3.

ORDER

This writ petition has been filed for the issue of a Writ of Mandamus, directing the second respondent to consider the representation made by the petitioner, on 29.06.2019 and to pass orders within the time frame fixed by this Court.

2.The case of the petitioner is that when the patta was granted in his favour by the second respondent, it was granted for an extent



of 0.06.0 hectare i.e., 0.15 acres instead of 0.14 acres. The petitioner therefore, made a representation to the second respondent, on 29.06.2019, requesting for rectifying the mistake and correcting the extent as 0.14 acres and to subdivide the rest of it as a canal. The representation was acted upon and the first respondent directed the second respondent to submit a report in this regard. Even thereafter, the second respondent did not take any steps to conduct an enquiry and take a decision. The petitioner therefore, made a representation and it is stated that the third respondent also took steps to conduct a survey. Since there was no progress, the present writ petition has been filed before this Court, seeking for appropriate directions.

3.Heard Mr.V.Sukumar, learned counsel for the petitioner and Mr.R.Suresh Kumar, learned Government Advocate, appearing for the respondents 1 to 3.

4.Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the second respondent to act upon the communication made by the first respondent, on 04.11.2020, after issuing notice to the petitioner and the fourth respondent and deal with the same on its own merits and in accordance with law and take a decision, within a period of six weeks from the date of receipt of a copy of this order.

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

6.This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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.



To:

1.The Revenue Divisional Officer,
Thirumangalam,
Madurai District.

2.The Thasildar,
Thirumangalam,
Madurai District.

3.The Land Surveyor,
Office of Thasildar,
Thirumangalam Taluk,
Madurai District.

+1 CC to M/s.GP (SR-23690[F] dated 23/07/2021)

**W.P (MD) No.12352 of 2021
22.07.2021**

RK (30.07.2021) 3P 5C