



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.1197 OF 2022

T.Muthusamy

... Petitioner

.Vs.

1. The Sub Collector/Revenue Divisional Officer,
Mettur Revenue Division,
Mettur Dam-1,
Salem District.

2. The Tahsildar,
Mettur Taluk,
Mettur Dam,
Salem District.

... Respondents

PRAYER:- The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Mandamus directing the 2nd Respondent to transfer and issue separate patta in the name of petitioner after sub-division and make correct entries in the revenue records of his land in S.No.340/2 to extent of 35 cents, situated at Virudhasampatti Village, Mettur Taluk, Salem District based on the settlement deed dated 01.07.2011 in Doc.No 1519 of 2011 forthwith.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.A.Anandan
Government Advocate

O R D E R

The petitioner has filed this petition for Writ of Mandamus directing the 2nd Respondent to transfer and issue separate patta in the name of petitioner after sub-division and make correct entries in the revenue records of his land in S.No.340/2 to extent of 35 cents, situated at Virudhasampatti Village, Mettur Taluk, Salem District based on the settlement deed dated 01.07.2011



2. The case of the petitioner is that the petitioner owns agricultural land in S.F.No.340/2, an extent of 35 cents, situated at Virudhasampatti Village, Mettur Taluk, Salem District and the petitioner is in possession and enjoyment of 35 cents of the said lands and doing cultivation for his family livelihood. While so, the Railway has acquired the petitioner's land in S.F.No.340/1, to an extent of 0.08.0 hectares (20 of cents) and S.F.No.340/2, to an extent of 0.00.5 hectares, for the formation of double way broad gauge railway line from Omalur to Mettur of Salem District. The petitioner's entire 35 cents of the land is being used for the railway without paying compensation and also no procedure was followed under the Land Acquisition Act. The petitioner for sub division and for transfer of patta with regard to S.F.No.340/2, has made several representations to all the respondents, but all efforts were ended in vain and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 2nd respondent to consider the petitioner's representation dated 14.12.2021 and pass orders on the same within a particular time frame fixed by this Court.

4. The learned Government Advocate appearing for the official respondents submitted that already the property in question was sought to be acquired by the Government for formation of a railway track. When the acquisition proceedings were initiated, there cannot be question for sub division or issuance of patta and accordingly prays for dismissal of this petition.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case and considering the limited request sought for by the petitioner, directs the 2nd respondent to consider the petitioner's representation dated 14.12.2021 on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order, after affording of personal opportunity to the aggrieved person, if any, including the petitioner. This writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub Collector/Revenue Divisional Officer,
Mettur Revenue Division,
Mettur Dam-1, Salem District.

2. The Tahsildar,
Mettur Taluk, Mettur Dam,
Salem District.

+1cc to Mr.M.R.Jothimanian, Advocate, S.R.No.153119
+1cc to the Government Pleader, S.R.No.15864

W.P.NO.1197 OF 2022

JP (CO)
PBS/18/03/2022