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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.1602 OF 2022

V.Srinivasan

... Petitioner

-Vs-

1. The District Collector,
Cuddalore District,
Cuddalore.
2. The Divisional Revenue Officer,
Cuddalore District,
Cuddalore.
3. The Sub-Collector/Revenue Divisional Officer,
Chidambaram.
4. The Tahsildhar,
Srimushnam Taluk,
Srimushnam, Cuddalore District.
5. The Assistant Director,
Survey and Land Records,
Cuddalore.

... Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to act and pass orders on the recommendations of the third respondent in his proceedings in R.C.A1/317/2021 dated 08.07.2021 by rectifying the mistakes in all the revenue records by removing the entry 'Kuttai' and issue patta to the petitioner for his property measuring 6 cents in Old.S.No.209/14 (New S.No.437/1) and pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.



For Petitioner : Mr.M.Sivavarthanan

For Respondents: Mr.V.Jeevagiridharan
Additional Government Pleader

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ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the first respondent to act and pass orders on the recommendations of the third respondent in his proceedings in R.C.A1/317/2021 dated 08.07.2021 by rectifying the mistakes in all the revenue records by removing the entry 'Kuttai' and issue patta to the petitioner for his property measuring 6 cents in Old.S.No.209/14 (New S.No.437/1) and pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

2. Heard Mr.M.Sivavarthanan, the learned counsel appearing for the petitioner and Mr.V.Jeevagiridharan, learned Additional Government Pleader appearing for the respondents.

3. The petitioner owned lands comprised in Old Survey No.209/14, ad-measuring 6 cents out of 9 cents and the land ad-measuring 6 cents out of 11 cents in Old Survey No.209/15, situated at PalayamkottaiKeelpathi Village, Srimushnam Taluk, Cuddalore District. Thereafter, the petitioner exchanged his lands situated in the middle portion of Old Survey Nos.209/14 and 209/15 with the sons of Natarajam Pillai for his convenient enjoyment by the exchange deed, dated 20.03.2006 registered vide Document No.339 of 2006. Thus, the petitioner became the absolute owner of the lands ad-measuring 6 cents each in Old Survey Nos.209/14 and 209/15 and he is also the joint owner of the pathway ad-measuring 2 cents comprised in Survey No.209/15. Both the lands were in the name of the petitioner's brother under Patta No.603.

4. While being so, due to the mistakes committed during the up-dation of Revenue Records, the "Kuttai" lying on the south of Old Survey No.209/14 is wrongly mentioned in the petitioner's property i.e.New Survey No.437/1. When the petitioner made an application for mutation of Revenue Records, the petitioner was informed that unless a proper survey is done with reference to the village map, the defects could not be rectified. Therefore, the petitioner made a representation before the first respondent and the same was forwarded to the third respondent and the fifth respondent. In turn, the said representation was forwarded to the fourth respondent.



5. The fourth respondent conducted an inspection and submitted a report that the property comprised in New Survey No.437/1 is classified as "Kuttai" and the fourth respondent cannot effect mutation and issue patta. Therefore, the petitioner approached the second respondent and submitted a representation, dated 31.07.2018 for rectification of mistake committed under the UDR Scheme. Further, this Court in W.P.No.21859 of 2019, dated 18.09.2019, directed the second respondent to consider the request made by the petitioner on merits and in accordance with law.

6. Thereafter, the third respondent received the report from the fourth respondent, dated 20.01.2021 and also by the report, dated 08.07.2021, recommended to the first respondent to make suitable changes in the Natham FMB and Natham Adangal and rectify the mistakes in respect of the property comprised in Survey Nos.435 and 437. In fact, on receipt of the same, the first respondent issued notice for enquiry to be conducted on 21.09.2021. The petitioner had also participated in the said enquiry and even then, no orders were passed.

7. Considering the above, the first respondent is directed to pass orders, after giving an opportunity of hearing to the petitioner and on the basis of the recommendation of the third respondent, dated 08.07.2021, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Cuddalore District,
Cuddalore.
2. The Divisional Revenue Officer,
Cuddalore District,
Cuddalore.



3. The Sub-Collector/Revenue Divisional Officer,
Chidambaram.

4. The Tahsildhar,
Srimushnam Taluk,
Srimushnam, Cuddalore District.

5. The Assistant Director,
Survey and Land Records,
Cuddalore.

+1cc to Mr.M.Sivavarthanan, Advocate, S.R.No.7521

+1cc to the Government Pleader, S.R.No.7316

W.P.No.1602 of 2022

MG (CO)
PM/25/02/2022