

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.5386 OF 2022

Mathappan

... Petitioner

Vs.

1. The District Collector,
Salem District,
Salem.
2. The Sub Collector,
Mettur,
Salem District.
3. The Tahsildar,
Mettur Taluk,
Salem District.
4. The Zonal Deputy Tahsildar,
Mettur,
Salem District.
5. The Revenue Inspector,
Mettur Taluk,
Salem District.
6. The Assistant Executive Engineer,
Agricultural Engineering Department
No.294/1-11, Kaveri Garden,
Petrol Bunk Backside,
Salem Road,
Thiruchengode,
Namakkal District.
7. The Assistant Executive Engineer,
Agricultural Engineering Department,
Nangavalli Main Road,
Kunjandiyur,
Mettur,
Salem District.

8. The Sub Registrar,
Mettur SRO,
Mettur,
Salem District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the eighth respondent to act as per submissions of the report from the respondents 2 to 5 and consequently remove the Survey No.920/1A from the gift deed Doc. No.368/1997 dated 25.07.1997 and remove the encumbrance regarding petitioners land.

For Petitioner : Mr.V.Prabhakaran

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the eighth respondent to act as per the submissions of the report from the respondents 2 to 5 and to consequently remove Survey No.920/1A from the gift deed Doc. No.368/1997 dated 25.07.1997 and to remove the encumbrance regarding petitioner's land.

2.The case of the petitioner is that the petitioner is the owner of the subject land and he acquired the same by way of partition deed dated 24.03.1986. On 25.07.1997, one Mathappan who is none other than the petitioner's brother's son, while executing gift deed in favour of the Hon'ble Governor of Tamil Nadu represented by Thiruchengode Soil Fertility Protection Scheme, Salem, for the purpose of leakage pool, mistakenly mentioned the survey number as Survey No.920/1A instead of Survey No.1052/4. Hence, the petitioner made representation to the respondents seeking rectification of the mistake. Thereafter, after the reports from respondents 2 to 5, the sixth respondent vide letter dated 03.09.2021 requested the eighth respondent to rectify the survey number in the gift deed, however, the mistake has not yet been rectified. Hence, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that it would suffice, if this Court issues direction to the eighth respondent to pass appropriate orders, as per the letter of the sixth respondent dated 03.09.2021, within a reasonable time frame.

4.Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, directs the eighth respondent to pass appropriate orders, as per the letter of the sixth respondent dated 03.09.2021, within a period of twelve weeks from the date of receipt of a copy of this order.

5.This writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

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Salem.
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8. The Sub Registrar,
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Mettur,
Salem District.

+1cc to Mr.R.Balaguruswamy, Advocate, S.R.No.17176
+1cc to the Government Pleader, S.R.No.17766

W.P.No.5386 of 2022

SPD(CO)
PM/01/04/2022