



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.26575 OF 2012

A.Rajendran

...Petitioner

Vs

1.The Revenue Divisional Officer,
Collectorate, Salem-7.

2.The Tahsildar,
Salem Taluk,
Salem-1.

3.V.Manivannan

4.N.Anguraj

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent to restore the petitioner's name in the Revenue records relating to T.s.No.321/3 Salem Town and also t.S.No.321/5 as existed prior to the order dated 14.06.2010 passed by the 1st respondent in Na.Ka.No.1789/2010/A3.

For Petitioner : M/s.L.Mouli

For Respondents : Mr.T.Chezhiyan,
Additional Government Pleader
for R1 & R2.

: Mrs.K.Ponmani for
M/s.Zeenath Begam for R3

: Mr.M.Murugamanikkam for R4

O R D E R

The present petition has been filed seeking a direction to the 2nd respondent herein to restore the petitioner's name in the Revenue records relating to T.S.No.321/3 and T.S.No.321/5 as existed prior to the order dated 14.06.2010 passed by the 1st respondent.



2. It is the case of the petitioner that the properties comprised in old Survey No.1109 were divided by the petitioner's grand father in favour of his sons including the petitioner's father. After the demise of the petitioner's father, one of the properties in Survey.No.1109 i.e.,T.S.No.321/3, Salem Town & T.S.No.321/5 was devolved upon the petitioner. While being so, the order dated 14.06.2010 came to be passed by the 1st respondent herein, stating that all properties situated in Survey No.1109, Salem Town belonged to the Government and directing the 2nd respondent to cancel all the mutations of revenue records, pursuant to which, the 2nd respondent had effected a change in the Revenue Records in respect of T.S.No.321/1 to 5, in the name of Angalamman Temple. Aggrieved by the same, the petitioner made representations dated 24.03.2012 and 26.03.2012 before the respondents 1 & 2, seeking restoration of his name in the Revenue Records in respect of T.S.No.321/3. However, till date, the same has not been considered. Hence, the present petition has been filed seeking the above relief.

3. Learned Counsel for the petitioner submits that already the 4th respondent had filed a suit in O.S.No.390 of 2011 against the petitioner and the same was dismissed on 21.08.2014. Aggrieved by the same, the 4th respondent had filed first appeal before the 3rd Additional District Judge, Salem in A.S.No.85 of 2014 and the said was allowed on 09.06.2015, against which, the petitioner had preferred second appeal in S.A.No.661 of 2015. Hence, the petitioner may be permitted to make a fresh application before the respondents, for restoration of his name in the Revenue Records in respect of the subject properties, after the disposal of the Second Appeal in S.A.No.661/2015.

4. On the above contentions, heard the learned Additional Government Pleader appearing for respondents 1 & 2 and perused the perused the materials available on record.

5. In view of the fair submission of the learned counsel for the petitioner, this Court without expressing any opinion on the merits of the case, permits the petitioner to make a fresh application before the respondents, after the disposal of the second appeal.

6. Accordingly, this Writ Petition is disposed of with the above liberty. No Costs.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

NHS



To

1. The Revenue Divisional Officer,
Collectorate,
Salem-7.

2. The Tahsildar,
Salem Taluk,
Salem-1.

+1cc to M/s. Zeenath Begum, Advocate Sr.No.8816

+1cc to M/s. L. Mouli, Advocate Sr.No.8859

+1cc to the Government Pleader Sr.No.9253

W.P.No.26575 of 2012

PMK (CO)
RVM(06/04/2022)