

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.14713 OF 2022

K.Damodaran

... Petitioner

.Vs.

1. The Tahsildar,
Taluk Office-Sirkali,
Sirkali.
2. The Revenue Divisional Officer,
Mayiladuthurai Revenue Division,
Mayiladuthurai.
3. The District Collector,
Collectorate,
Mayiladuthurai.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to measure the Schedule mentioned property as in Document No.184/1991 on the file of Sub-Registrar, Kollidam, in the manner known to law.

For Petitioner : Mr.R.Deepan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus to direct the first respondent to measure the Schedule mentioned property as in Document No.184/1991 on the file of Sub-Registrar, Kollidam, in the manner known to law.

2. The case of the petitioner is that the property situated at Sirkali Taluk, Mayiladuthari District, registered vide

Document No.184/1991, on the file of Sub-Registrar, Kollidam "referred as Schedule Property", which was originally belongs to petitioner's father, who died intestate on 29.09.1991, leaving behind the petitioner and other legal heirs. Thereafter, the petitioner had given the management of the schedule property to one Mr.K.Pattabiraman, in good faith. However, without the knowledge of the petitioner, the said K.Pattabiraman had executed a sale deed against 20 cents of petitioner's land to one P.Senthilkumar, and the same was registered on 15.02.2000, on the file of Sub-Registrar, Kollidam. Therefore, the petitioner lodged a complaint with Anti-Land Grabbing Cell, Office of the Superintendent of Police, Nagapattinam District. Further, summons were issued to said Senthilkumar, and the officers advised the petitioner to obtain a Survey Report from the competent Revenue Authorities. Therefore, the petitioner made a representation dated 27.01.2022 before the first respondent, seeking to measure his schedule property and he has also paid the necessary charges. As the said representation made by the petitioner has evoked no response from the respondent, the petitioner has filed the present Writ Petition.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that it would suffice, if this Court, issues direction to the first respondent/Tahsildar to consider the petitioner's representation dated 27.01.2022 and pass orders on the same within a particular time frame that may be fixed by this Court.

4. The learned Special Government Pleader appearing for the respondents has no objection for said order being passed.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the first respondent/Tahsildar to consider the petitioner's representation dated 27.01.2022 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after providing an opportunity of hearing to the petitioner and other aggrieved persons, if any.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Tahsildar,
Taluk Office-Sirkali,
Sirkali.
2. The Revenue Divisional Officer,
Mayiladuthurai Revenue Division,
Mayiladuthurai.
3. The District Collector,
Collectorate,
Mayiladuthurai.

+2ccs to Mr.R.Deepan, Advocate, S.R.No.35685
+1cc to the Government Pleader, S.R.No.36589

W.P.NO.14713 OF 2022

AK-II (CO)
PBS/08/07/2022