

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.15394 of 2022

Karthikeyan

... Petitioner

Vs.

1. The District Collector,
Thiruvannamalai.
2. The District Revenue Officer,
Thiruvannamalai District,
Thiruvannamalai.
3. The Revenue Divisional Officer,
Thiruvannamalai.
4. Tahsildar,
Thiruvannamalai Taluk & District.
Thiruvannamalai.
5. The Town Surveyor,
Thiruvannamalai Town,
Thiruvannamalai.
6. Village Administrative Officer,
Thiruvannamalai Town,
Thiruvannamalai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to implement the order dated 02.07.2008 in Proceedings No.G1/6301/2008 for canceling the entry "tharisu" and to effect mutation in the name of the petitioner with respect to the Plot Nos.43, 44 and 45 each admeasuring 2010 sq.ft each out of 1 acre and 29 cents comprised in Survey No.33/1 Block No.2, Ward No.2, Perumal Nagar, Thiruvannamalai Town by considering the representation dated 28.05.2022.

For Petitioner : M/S.R.Rajarajan

For Respondents : Mr.A.Anandan
Government Advocate

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents to implement the order dated 02.07.2008 in Proceedings No.G1/6301/2008 for canceling the entry "Tharisu" and to effect mutation in the name of the petitioner with respect to Plot Nos.43, 44 and 45 each ad-measuring 2010 sq.ft each out of 1 acre and 29 cents comprised in Survey No.33/1 Block No.2, Ward No.2, Perumal Nagar, Thiruvannamalai Town, by considering the representation dated 28.05.2022.

2. The case of the petitioner is that the aforesaid properties were purchased by the petitioner's father in the year 1979 and 1980 respectively, and the same were registered on the file of Sub Registrar Office, Thiruvannamalai. Subsequent to the purchase of the aforesaid properties, the petitioner's father is the absolute owner and in continuous possession and enjoyment of the same, without any hindrance. While so, the 6th respondent/Village Administrative Officer, intended to make an incorrect entry by cancelling the name of the original owner Thirunavukkarasu and entered the classification as "Tharisu". Therefore, the petitioner's father made several representations before the respondents seeking to cancel the said land as "Tharisu" and to effect mutation in the name of the petitioner in respect of the aforesaid properties. Thereafter, the 4th respondent/Tahsildar, vide his proceedings No.G1/6301/2008, dated 02.07.2008, passed an order to cancel the entry "Tharisu" and to effect mutation in the name of the petitioner. Despite the same, the other official respondents failed to implement the said order dated 02.07.2008. Therefore, the petitioner was constrained to file a Writ Petition in W.P.No.17317 of 2017, and this Court, by order dated 07.07.2017, directed the respondents 3 and 4 therein to consider the representation of the petitioner and directed to pass appropriate orders within a period of twelve weeks. Again, the petitioner made a representation dated 28.05.2022, requesting the respondents to pass order as per the direction issued by this Court. As the said representation made by the petitioner has evoked no response from the respondents, the petitioner has filed the present Writ Petition.

3. The learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondents to implement the order, dated 02.07.2008 in proceedings No.G1/6301/2008 for cancelling the entry "Tharisu" and to effect mutation in the name of the petitioner by considering the petitioner's representation dated 28.05.2022 and pass orders on the same within a particular time frame that may be fixed by this Court.

4. The learned Government Advocate appearing for the respondents has no objection for the 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 respondents to implement the order, dated 02.07.2008 in proceedings No.G1/6301/2008 by considering the petitioner's representation dated 28.05.2022, 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.

6. With the above observations and directions, this Writ Petition is disposed of. No costs.

Sd/-

Deputy Registrar(CS)

// True Copy //

Sub Assistant Registrar

jd

To

1. The District Collector,
Thiruvannamalai.
2. The District Revenue Officer,
Thiruvannamalai District,
Thiruvannamalai.
3. The Revenue Divisional Officer,
Thiruvannamalai.
4. Tahsildar,
Thiruvannamalai Taluk & District.

5. The Town Surveyor,
Thiruvannamalai Town,
Thiruvannamalai.

6. Village Administrative Officer,
Thiruvannamalai Town,
Thiruvannamalai.

+1cc to Mr.R.Rajarajan, Advocate SR.No.39080

+1cc to the Government Pleader SR.No.39007

W.P. No.15394 of 2022

CB(12/07/2022)