



W.P.No.30432 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30432 of 2022

Palanisamy

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Perambalur.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Perambalur.

3.The Tahsildar,
Kunnam Taluk,
Perambalur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to consider the petition of the petitioner dated 02.08.2021 and consequential reminder dated 20.09.2022 and to conduct enquiry and pass appropriate orders within the period stipulated by this Court.

For Petitioner : Mr.G.Ilamurugu



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For Respondents : Mr.U.Bharanidharan
Additional Government Advocate

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ORDER

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus, to direct the 2nd respondent to consider the petition of the petitioner dated 02.08.2021 and consquential reminder dated 20.09.2022 and to conduct enquiry and pass appropriate orders within the period stipulated by this Court.

2.The case of the petitioner is that the property situated at Periyammappalayam Village, Kunnam Taluk, Perambalur District comprised in S.Nos.421/24, 25, 26 and in S.Nos.374/88 to 290/14A & B and S.No.273/8AB originally belongs to the petitioner's father and his brothers. They entered into a oral partition some four decade ago and were doing agricultural activities. While so, the petitioner's father died intestate on 26.02.2022 leaving behind the petitioner and his mother to succeed the estate. During the UDR Scheme there were discrepancies in respect to the extent of the lands, patta and field maps. Hence, the petitioner made several representations to the respondents to correct the same. Likewise, the petitioner's paternal uncles also gave a representation to the 1st respondent



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which was forwarded to the 3rd respondent to conduct an enquiry and submit a detailed report vide his proceedings in No.Na.Ka.AA3/9420/2021 dated 27.08.2021. Whereas, the Tahsildar, directed the Revenue Inspector of Varagoor Firka to file a report after the enquiry by proceedings dated 30.11.2021 and 27.12.2021 and thereafter, there was no progress on the part of the respondents. Therefore, the petitioner made a representation dated 02.08.2021. As the said representation made by the petitioner has evoked no response, the petitioner made another representation dated 20.09.2022. Since, no action was taken on the above said representation, the petitioner has filed this present Writ Petition.

3.Learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 02.08.2021 and consequential reminder dated 20.09.2022 terms of G.O.Ms.385 dated 17.08.2004 and pass orders on the same within a particular time frame fixed by this Court.

4.Mr.U.Baranidharan, the Additional learned Government Advocate appearing for the respondents submits that in terms of G.O.Ms.385 dated



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17.08.2004, the appropriate authority to is District Revenue Officer.

However, inadvertently, the petitioner gave a representation to the 2nd respondent. He further submitted that, if any direction is given by this Court, the same will be complied with.

5. Heard learned counsel appearing on either side and perused the materials available on record.

6. In view of the aforesaid submission of the learned Additional Government Pleader appearing for the respondents, in terms of G.O.Ms.385 dated 17.08.2004, the appropriate authority to consider the petitioner's representation is District Revenue Officer. However, inadvertently, the petitioner gave a representation to the 2nd respondent. Hence, the prayer sought for in this Writ Petition cannot be granted. However, liberty is granted to the petitioner to make a fresh application to the District Revenue Officer within a period of two weeks from the date of receipt of a copy of this order. On receipt of such an application, the District Revenue Officer shall consider the same on merits and in accordance with law and pass appropriate orders as expeditiously as possible, after affording an

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opportunity of personal hearing to the petitioner.

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7. Accordingly, this Writ petition is disposed of. No costs.

16.11.2022

gba
Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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- 3.The Tahsildar,
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M.DHANDAPANI,J.

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