



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.7399 of 2022

Purusothaman

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The District Revenue Officer,
Madurai District,
Madurai.

3.The Revenue Divisional Officer,
Melur,
Madurai District.

4.The Tahsildar,
Melur,
Madurai District.

...Respondents

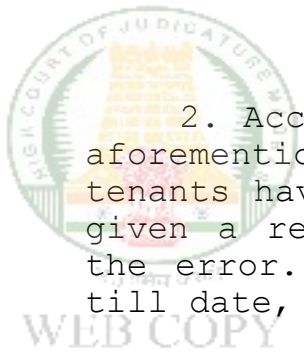
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to cancel the cultivating tenant registered in "A" Register on the basis of the petitioner's representation dated 11.04.2022.

For Petitioner : Mr.R.Manoharan

For Respondents : Mrs.S.Jeyapriya,
Government Advocate.

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to cancel the names of the cultivating tenants found in the "A" Register in some of the properties comprised in Survey Nos.354/8B, 364/1B1, 366/2B, 368/12, 368/2, 354/5, 356/1A1, 366/4B, 366/1B, 355/4A1, 365/2A1, 355/11C, 366/3A, 354/4A, 368/13, 368/4, 354/6, 356/1B, 368/8B, 366/2C, 366/1A, 365/2B1, 355/5, 368/11, 367/1A, 354/3, 355/1B, 366/2B2, 355/3A, 366/2D measuring an extent of 10.44.50 hectares Nanja land situated at Narasingampatti Village, Melur Taluk, Madurai District.



2. According to the petitioner, he is the absolute owner of the aforementioned property, but, erroneously names of some cultivating tenants have been recorded in the "A" Register. The petitioner has given a representation on 11.4.2022 to the respondents to rectify the error. Since the said representation has not been considered till date, the petitioner has filed this Writ Petition.

3. Heard Mr.R.Manoharan, learned counsel for the petitioner and Mrs.S.Jeyapriya, learned Government Advocate, who accepts notice on behalf of the respondents.

4. No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law after affording a fair hearing to the petitioner and the persons in whose names, in the "A" Register, it is recorded that they are cultivating tenants.

5. The petitioner claims that he is the absolute owner of the aforementioned properties. But, in the "A" Register, names of some cultivating tenants are mentioned and he seeks for rectification of the error. He has given a representation on 11.04.2022 for the said purpose.

6. The learned Government Advocate appearing for the respondents, on instructions, would submit that the competent authority to consider the petitioner's representation is the Special Tahsildar, Melur, Madurai District and therefore, a fresh representation will have to be given by the petitioner. Learned counsel for the petitioner is also agreeable to the same.

7. For the foregoing reasons, this Court directs the petitioner to give a fresh representation to the Special Tahsildar, Melur, Madurai District requesting for cancellation of the names of the cultivating tenants found in the "A" Register in respect of the properties comprised in Survey Nos.354/8B, 364/1B1, 366/2B, 368/12, 368/2, 354/5, 356/1A1, 366/4B, 366/1B, 355/4A1, 365/2A1, 355/11C, 366/3A, 354/4A, 368/13, 368/4, 354/6, 356/1B, 368/8B, 366/2C, 366/1A, 365/2B1, 355/5, 368/11, 367/1A, 354/3, 355/1B, 366/2B2, 355/3A, 366/2D measuring an extent of 10.44.50 hectares Nanja land situated at Narasingampatti Village, Melur Taluk, Madurai District, within a period of two (2) weeks from the date of receipt of a copy of this order. On receipt of the same, the Special Tahsildar, Melur, Madurai District is directed to pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the persons in whose names, in the "A" Register, a record has been made that they are cultivating tenants, within a period of twelve (12) weeks thereafter.



8. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (As)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

To

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The District Revenue Officer,
Madurai District,
Madurai.
- 3.The Revenue Divisional Officer,
Melur,
Madurai District.
- 4.The Tahsildar,
Melur,
Madurai District.
- 5.The Special Tahsildar,
Melur,
Madurai District.

+1 CC to M/s.R. MANOHARAN, Advocate (SR-19986[F] dated 21/04/2022)

+1 CC to M/s.SPL.GP (SR-20082[F] dated 21/04/2022)

W.P. (MD) .No.7399 of 2022

20.04.2022

MGJ(04.05.2022) 3P 8C