



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.8397 of 2022

C.Govindaraj

... Petitioner

Vs.

1.The Director of Survey and Land Records,
O/o. the Director of Survey and Land Records,
Survey House,
Chepauk,
Chennai - 600 005.

2.The District Collector,
Collectorate,
Theni District.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Uthamapalayam,
Theni District.

4.The Tahsildar,
Bodinayakkanur Taluk Office,
Theni District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No.2 to consider the petitioner's representation dated 21.10.2021 for rectifying the wrong entry made in the Town Survey Land Register in respect of Survey No.608/2A, in an extent of 3.54 Acre at Bodinayakkanur Town, Bodinayakkanur Taluk, Theni District as Government Poramboke land and to restore the land as private patta dry land (புன்செய் நிலம்) based on the manual copy of patta issued by respondent No.4 dated 08.04.2006 and FMB issued by the Commissioner of Bodinayakkanur dated 04.08.2014 within the time stipulated by this Court.

For Petitioner	:	Mr.I.Pinaygash
For Respondents	:	Mr.M.Lingadurai, Special Government Pleader.



ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the second respondent to consider the petitioner's representation dated 21.10.2021 seeking for rectification of the alleged wrong entry made in the Town Survey Land Register in respect of Survey No.608/2A measuring an extent of 3.54 acres at Bodinayakkanur Town, Bodinayakkanur Taluk, Theni District as Government Poramboke land and to restore the land as private patta dry land (Punjai land) based on the manual copy of the patta issued by fourth respondent dated 08.04.2006 and FMB issued by the Commissioner of Bodinayakkanur dated 04.08.2014 within a time frame to be fixed by this Court.

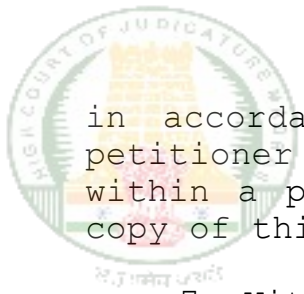
2. According to the petitioner, his maternal uncle, V.Shanmugavelu, is the absolute owner of the aforementioned land. After his demise, the petitioner and the other legal heirs of V.Shanmugavelu are in possession and enjoyment of the aforementioned land. According to the petitioner, erroneously, the land has been re-classified as Poramboke land, though the patta stands in the name of his maternal uncle. Therefore, the petitioner has given a representation on 21.10.2021 to the respondents requesting for rectification. Since the said representation has not been considered till date, he has filed this Writ Petition.

3. Heard Mr.I.Pinaygash, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents.

4. The petitioner has filed documents including the patta, FMB sketch and encumbrance certificate which discloses that the petitioner's maternal uncle, V.Shanmugavelu, is the owner of the aforementioned land. The petitioner states that wrongly, the land has now been classified as a Government Poramboke land. Therefore, he has given a representation on 21.10.2021 requesting for rectification of the land as a private patta dry land (Punjai land).

5. 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.

6. For the foregoing reasons, this Court directs the third respondent to consider the petitioner's representation dated 21.10.2021 seeking for rectification of the alleged wrong entry made in the Town Survey Land Register in respect of Survey No.608/2A measuring an extent of 3.54 acres at Bodinayakkanur Town, Bodinayakkanur Taluk, Theni District as Government Poramboke land and to restore the land as private patta dry land (Punjai land) based on the manual copy of the patta issued by fourth respondent dated 08.04.2006 and FMB issued by the Commissioner of Bodinayakkanur dated 04.08.2014 and pass final orders on merits and



in accordance with law, after affording a fair hearing to the petitioner including granting him the right of personal hearing, within a period of four (4) months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

To

1.The Director of Survey and Land Records,
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4.The Tahsildar,
Bodinayakanur Taluk Office,
Theni District.

+1 CC to M/s.I.PINAYGASH, Advocate (SR-22278[F] dated 28/04/2022)

+1 CC to M/s.SPL.GP (SR-23259[F] dated 02/05/2022)

**W.P. (MD) .No.8397 of 2022
28.04.2022**

SS(CO)

GC(18.05.2022) 3P 7C