



W.P.(MD)No.26081 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.26081 of 2022
and
W.M.P.(MD)No.20212 of 2022

M.Asir Benedict Samraj

.. Petitioner

Versus

1.The District Collector,
O/o. the District Collector,
Tuticorin District.

2.The Revenue Divisional Officer/Sub-Collector,
O/o. Revenue Divisional Office,
Tuticorin Taluk,
Tuticorin District.

3.The Tahsildar,
Taluk Office,
Tuticorin Taluk,
Tuticorin District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Tahsildhar, Tuticorin Taluk, the third respondent herein, to change the entry in the revenue records, regarding the classification of land of the petitioner in Survey No.119/10A1, situated at Kootudankadu Village, Tuticorin Taluk, Tuticorin District, in the light of the proceeding of the Revenue Divisional Officer/Sub Collector, Tuticorin Taluk, dated 23.08.2017, by considering the representation of the petitioner, dated 13.10.2022.



For Petitioner : Mr.S.Siva Thilakar
For Respondents : Mrs.K.Christy Theboral
Additional Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the third respondent to change the entry in the revenue records, regarding the classification of his land in Survey No.119/10A1, situated at Kootudankadu Village, Tuticorin Taluk, Tuticorin District, in the light of the proceeding of the second respondent, dated 23.08.2017, by considering his representation, dated 13.10.2022.

2. Heard Mr.S.Siva Thilakar, learned counsel appearing for the petitioner and Mrs.K.Christy Theboral, learned Additional Government Pleader, who takes notice for the respondents. By consent of both sides, the Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the learned counsel for the petitioner, the petitioner purchased the aforesaid landed property, measuring an extent of 10 cents, from one M.R.Vellaisamy, through a registered sale deed, dated 04.05.2004. After the said purchase, he enquired about the classification of the land, which was wrongly reflected in the revenue records as "Government Poromboke". Therefore, the petitioner made a representation to the second respondent



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herein to change the classification of the land as Patta land. The second respondent conducted a detailed enquiry and the petitioner has also produced all the relevant documents to establish that the said land is a Patta land and he is the owner of the property.

4. Further, according to the learned counsel for the petitioner, the second respondent, vide his proceedings, dated 23.08.2017, directed the third respondent to carry out necessary corrections in the "A" Register, Village Accounts and Computer Chitta and submit a report within one week. However, the third respondent has not chosen to comply with the said direction of the second respondent. Hence, the petitioner made a representation to the first respondent to direct the third respondent to comply with the directions of the second respondent to carry out necessary changes in the revenue records. That apart, the petitioner has made several requests to the third respondent. However, no steps were taken. The petitioner sent another representation, dated 13.10.2022, to the respondents. Since the same has not been considered so far, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

5. The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the petitioner claims classification of the property in question as his Patta land. The petitioner's representation



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dated 13.10.2022, has been received by the second respondent, who in turn, forwarded the same to the third respondent on 16.11.2022 and the same is under process. The first respondent is the competent authority to modify the classification of the land and therefore, recommendations would be made to the first respondent to consider the petitioner's request.

6. Considering the aforesaid submissions made by the learned on either side, it is seen that already a recommendation has been made by the second respondent on 23.08.2017 to the third respondent to make mutations in the revenue records. Hence, this Court directs the third respondent to take immediate steps and submit a report to the first respondent within a period of four weeks from the date of receipt of a copy of this order. The first respondent shall consider the same and pass appropriate orders within a period of twelve weeks thereafter.

7. This Writ Petition stands disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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Order made in
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