



W.P.No.685 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.685 of 2024

S.Ayoob Khan

... Petitioner

Versus

1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2.The Revenue Divisional Officer,
Tiruvannamalai Revenue Division,
Tiruvannamalai.

3.The Tahsildar,
Tiruvannamalai Taluk,
Tiruvannamalai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 2nd respondent to consider the representation of the petitioner dated 28.10.2021 and consequent representation dated 13.12.2023.

For Petitioner : Mr. B. Jawahar

For Respondents : Ms. Akila Rajendran
Government Advocate



W.P.No.685 of 2024

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ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus directing the second respondent to consider the representation of the petitioner dated 28.10.2021 and consequent representation dated 13.12.2023.

2. The claim of the petitioner is that an extent of 17 cents of land in S.No.46/6A2 is an ancestral property of the petitioner, in which, the petitioner name was included in the Joint Patta No.3204. Thereafter an extent of 15 cents of land was executed by his father as a Gift Deed, in favour of the petitioner on 05.06.2015. To sub-divide the property in favour of the petitioner's brother's wife, the petitioner and his brother made an application on 28.10.2021 before the respondents. At that point of time, they came to know that their property was wrongly mentioned as “National High Ways” in the Revenue records. They want to change the classification of their land mentioned in the revenue records, the petitioner approached the respondents to grant sub-divide Patta in their favour by way of representation dated 29.10.2021. Later point of time, the National



W.P.No.685 of 2024

High Ways Department had also addressed to the first respondent that the said land in question was not acquired by them. Even though a clarification was received by the respondents, from the year 2021 itself, the petitioner's request was not considered by the respondents. Again the petitioner made a representation dated 13.12.2023 to the respondents individually. Since no action has been taken so far, the petitioner has filed this writ petition before this Court with the above said prayer.

3. The learned counsel for the petitioner submitted that it would suffice if a direction is issued to the respondents to consider the petitioner's representation dated 28.10.2021 and the subsequent representation dated 13.12.2023 within a stipulated time as may be fixed by this Court.

4. Ms.Akila Rajendran, learned Government Advocate takes notice for the respondents.

5. Having regard to the facts of the case and since this writ petition is filed seeking a simple writ of mandamus to consider the



W.P.No.685 of 2024

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representation, this Court without expressing any opinion with regard to the merits of the case, directs the first respondent to consider the representation of the petitioner dated 28.10.2021 and 13.12.2023 and issue notice to the petitioner and interested parties/rival claimants/objectors if any, as the case may be and conduct enquiry in the manner known to law and pass orders on merits and in accordance with law and dispose of the petitioner's representation within a period of two months from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of at the admission stage itself. There shall be no order as to costs.

11.01.2024

Index : yes/no
Speaking order : yes/no
Neutral Case Citation : yes/no

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W.P.No.685 of 2024

WEB COPY

To:

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W.P.No.685 of 2024

P. VELMURUGAN, J.

klt

W.P.No.685 of 2024

11.01.2024