



WEB COPY



W.P.No.29075 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.29075 of 2024

C. Somasundaram

.. Petitioner

Versus

1. The District Collector,
Namakkal District.
 2. The Revenue Divisional Officer,
Thiruchengode Taluk,
Namakkal District.
 3. The Tahsildar,
Office of Tahsildar,
Thiruchengode Taluk,
Namakkal District.
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to rectify the defective entry in Patta Nos.71 and 150 in respect of the land belonging to the petitioner's family in Survey No.47/1 and 48, Chinnamanali Vilalge, Thiruchengode Taluk, Namakkal District.

For Petitioner : Mr. Ali Hassan Khan
For Respondents : Mr. P. Sathish
Additional Government Pleader

ORDER

The petitioner herein seeks for a direction to the second respondent to



W.P.No.29075 of 2024

rectify the defective entry in Patta Nos. 71 and 150 in respect of the lands belonging to the petitioner's family in Survey Nos.47/1 and 48, Chinnamanali Vilalge, Thiruchengode Taluk, Namakkal District.

2. By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

3. It is the case of the petitioner that the land comprised in Survey Nos.47/1 and 48, Chinnamanali Vilalge, Thiruchengode Taluk, Namakkal District measuring an extent of 17.63 acres was purchased by his great grandfather Sengottuvel Gounder by a registered sale deed dated 19.10.1937 registered as document No. 1996 of 1937 on the file of Puduchatram Registration Office. Subsequently, the said land was partitioned among the legal heirs of Mr. Sengottuvel Gounder through a deed of partition dated 09.10.1972 registered as document No. 1036 of 1972 in which the land in Survey No.47/1 and 48 was allotted to the father of the petitioner. While so, the patta in respect of the above property was changed in the name of Nageswara Swamy Temple and on coming to know about the same, the petitioner's father submitted a Petition to the first respondent, which was



W.P.No.29075 of 2024

forwarded to the third respondent. The third respondent, on receipt of the representation rejected it by an order dated 10.12.2020 directing the petitioner to approach the District Revenue Officer. Aggrieved by the same, the petitioner's father submitted a representation dated 05.04.2021 to the first respondent. On receipt of the same, the first respondent forwarded it to the second respondent in his proceedings in Na.Ka.No.1929/21 (G-6) dated 27.07.2021. It appears the second respondent in his proceedings in O.Mu.1878/2021/u dated 22.09.2021 forwarded it to the original authority viz., third respondent. Thereafter, the third respondent did not pass any order. While so, the petitioner's father died on 31.05.2023 and the petitioner has approached the third respondent for rectifying the defects in the patta, however, so far no order has been passed. According to the petitioner, the third respondent has already passed an order of rejection on 10.12.2020 and the second respondent is the appellate authority to entertain appeal against the said order.

4. Earlier, the third respondent passed an order dated 10.12.2020, rejecting the representation submitted by the petitioner's father for rectifying the defects in the revenue records and to include his name. As against the said order dated 10.12.2020, the petitioner's father has submitted a representation



W.P.No.29075 of 2024

to the first respondent instead of filing an appeal before second respondent.

The same was forwarded to the second respondent. The second respondent is the appellate authority to entertain the appeal as against the order dated 10.12.2020 of the third respondent. However, the second respondent instead of considering it, forwarded the same to the third respondent. Hence, third respondent is directed to forward it to second respondent within a period of two weeks from the date of receipt of this order. The second respondent is directed to convert the representation of the petitioner's father dated 05.04.2021, into an appeal and issue notice to the petitioner as well as the Nageswara Swami Temple and any other interested parties, and pass final orders on merits within a period of eight weeks from the date of receipt of the same from third respondent.

5. With the above direction, this Writ Petition is disposed of. No costs.

03.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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W.P.No.29075 of 2024

To

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3. The Tahsildar,
Office of Tahsildar,
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W.P.No.29075 of 2024

S. SOUNTHAR, J.

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W.P No.29075 of 2024

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