



W.P.(MD) No.7655 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.7655 of 2018

Dhamodar Krishna Jetty Vastad Water Pandal
Charities Trust,
Rep. by Hereditary Trustee,
S.Ramesh Vastad,
No.964, Samantha Kulam West,
East Main Street,
Thanjavur District.

... Petitioner

Vs.

- 1.The Commissioner for Revenue
Administration,
Chepauk,
Chennai – 600005.
- 2.The District Collector,
Thanjavur,
Thanjavur New Collectorate Complex,
Trichy Main Road, Thanjavur,
Thanjavur District.
- 3.The District Revenue Officer (D.R.O.),
Thanjavur New Collectorate Complex,
Trichy Main Road, Thanjavur,
Thanjavur District.
- 4.The Revenue Divisional Officer (R.D.O.),
No1, Vallam Road,



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Thanjavur,
Thanjavur District.

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5.The Regional Deputy Thasildar,
Thanjavur,
Taluk Office,
Thanjavur District.

6.The Deputy Inspector of Survey,
Survey Section Taluk Office,
Thanjavur Taluk,
Thanjavur District.

7.L.Maniraja

8.N.Suresh

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to initiate enquiry into the subdivision and mutation of revenue records with respect to the Survey No.292/IVI in Thanjavur District, Thanjavur Taluk, Soorakkottai, Keelavasthachavady Village, on the basis of the representation of the petitioner dated 16.08.2017, within the time stipulated by this Court.

For Petitioner : No Appearance

For R1 to R6 : Mr.G.Suriyananth
Additional Government Pleader

For R7 and R8 : No Appearance



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ORDER

There is no representation on behalf of the petitioner and the private respondents i.e., seventh and eighth respondents.

2. This Writ Petition has been filed for issuance of a Writ of Mandamus directing the third respondent to initiate enquiry into the subdivision and mutation of revenue records with respect to the Survey No.292/IVI in Thanjavur District, Thanjavur Taluk, Soorakkottai, Keelavasthachavady Village, on the basis of the representation of the petitioner dated 16.08.2017, within the time stipulated by this Court.

3. The specific case of the petitioner is that the fifth respondent had issued patta to the seventh and eighth respondents without proper enquiry and therefore, it is in violation of the provisions of the Tamil Nadu Patta Pass Book Act, 1983. It is further case of the petitioner that although the petitioner has been continuously taking steps to rectify the mistakes in the revenue records before the third respondent, no action has been initiated by the third respondent to rectify them.



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4. The affidavit filed in support of this Writ Petition indicates that the petitioner has also filed a petition before the second respondent District Collector of Thanjavur for rectification of the mistake in the mutation of records and restoration of the trust's name in the revenue records, on 16.08.2017 which is yet to be numbered. The affidavit also indicates that the third respondent directed the petitioner to approach the fourth respondent *vide* order dated 20.10.2017. However, the fourth respondent has shown a lukewarm response to the issue.

5. The affidavit further indicates that the petitioner has also filed O.S.No.211 of 2017 before the Subordinate Court, Thanjavur to recover the encroached land, which is stated to have been pending at the time of filing this Writ Petition.

6. Considering the averments in the affidavit filed in support of this Writ Petition, I am inclined to dispose of this Writ Petition with liberty to the petitioner to file suitable appeal before the District Revenue Officer (DRO), third respondent herein, in terms of Section 12 of the Tamil Nadu Patta Pass Book Act, 1983 read with G.O.(Ms) No.385, Revenue Department, dated 17.08.2004.



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7. If such appeal is filed before the third respondent, the same shall be entertained and disposed of on merits and in accordance with law. Needless to state, the petitioner and the private respondents namely, seventh and eighth respondents shall be heard before the orders are passed. The third respondent shall also take note of the suit that has been filed by the petitioner in O.S.No.211 of 2017 before the Subordinate Court, Thanjavur.

8. Accordingly, this Writ Petition stands disposed of. No costs.

19.07.2024

Index: Yes / No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

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Copy To:

- 1.The Commissioner for Revenue Administration,
Chepauk, Chennai – 600005.
- 2.The District Collector,
Thanjavur,
Thanjavur New Collectorate Complex,



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Trichy Main Road, Thanjavur,
Thanjavur District.

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- 3.The District Revenue Officer (D.R.O.),
Thanjavur New Collectorate Complex,
Trichy Main Road, Thanjavur,
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- 4.The Revenue Divisional Officer (R.D.O.),
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C.SARAVANAN, J.

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