



W.P.(MD) No.13503 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.13503 of 2017

K.Sethupathi

.. Petitioner

Vs.

1.The Assistant Director,
District Surveyor Office,
Theni.

2.The Revenue Divisional Officer,
Periyakulam Taluk,
Theni District.

3.The Tahsildar,
Periyakulam Taluk,
Theni District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the Tahsildar 3rd respondent to consider the representations, dated 30.07.2011, 19.09.2011, 12.12.2016 and 03.07.2017 seeking to rectify the mistake that had crept in chitta during UDR survey with regard to the extent of the land comprised in Survey No.1161/1 Vadaveeranaickkanpatti Village, Periyakulam Taluk, Theni District by conducting detailed



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enquiry within a stipulated period.

For Petitioner : Mr.S.Siva Thilakar

For Respondents : Mr.D.S.Neduncheziyan
Government Advocate

ORDER

The petitioner seeks to have his representations, dated 30.07.2011, 19.09.2011, 12.12.2016 and 03.07.2017 considered by the 3rd respondent to rectify the mistake that has crept in during the UDR survey in respect of the lands comprised in Survey No.1161/1, Vadaveeranaickkanpatti Village, Periyakulam Taluk, Theni District.

2. The petitioner's contention is that the property in question is his ancestral property which has been in his possession and enjoyment and for which he has been paying necessary property tax. There was no title dispute with reference to the above property. In the year 2010, he had applied to the 3rd respondent for grant of computer chitta in respect of the aforesaid property. However, when he had received computer chitta, it shows that he was in enjoyment of an extent of 1 acre 40 cents instead of



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1 acre 60 cents which belongs to him. Therefore, he had made a representation to have the same rectified. Since there was no response to the request, the petitioner is constrained to file W.P.No.1921 of 2011 on the file of this Court. This Court had disposed the said writ with a direction to the 3rd respondent to consider the petitioner's representation within four (4) months.

3. Thereafter, the petitioner had once again approached the 3rd respondent. However, despite the order of this Court, the 3rd respondent has not passed orders on the representation. Therefore, once again the petitioner has come forward with the above writ petition.

4. The learned Government Advocate on instructions would submit that there is no mistake in the UDR.

5. Heard the learned counsels on either side.

6. The conduct of the 3rd respondent in not complying with the directions issued by this Court in W.P.No.1921, dated 14.03.2011 is



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contumacious. Therefore, a mandamus is issued to the 3rd respondent to consider the representations of the petitioner, 30.07.2011, 19.09.2011, 12.12.2016 and 03.07.2017 and pass orders within a period of six (6) weeks from the date of receipt of copy of this order.

7. With the above directions, this Writ Petition stands allowed. No costs.

22.08.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

1.The Assistant Director,
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Periyakulam Taluk,
Theni District.

3.The Tahsildar,
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P.T.ASHA, J.

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