



W.P.(MD)No.27996 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.11.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE N.MALA**

W.P.(MD)No.27996 of 2024

R.Bagavathi

... Petitioner

/Vs./

1.The District Collector,
Dindigul District,Dindigul

2.The District Revenue Officer,
Office of the District Collector,Dindigul

3.The Revenue Divisional Officer,
Palani, Dindigul District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the District Collector to dispose of the representation dated 11.12.2023 and 27.12.2023 after giving all opportunity to all concerned in relation to survey No.476/3C1, Thangachiyampatti Village, Oddanchathiram Taluk, Dindigul District stands in patta No.1519, Revenue Department based on the reports as uploaded in the Tamil Nilam (தமிழ் நிலம்) website pursuant to the order of this Court in W.P(MD)No.17789 of 2023 dated 24.07.2023 within such time this Court may graciously be pleased to direct in so far as the petiitoner is concerned.

For Petitioner : Mr.Joseph Thatheus Jerome
For Respondents : Mr.R.Ragavendran
Government Advocate



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ORDER

This Writ Petition is filed for issuance of Writ of Mandamus directing the the District Collector to dispose of the representation dated 11.12.2023 and 27.12.2023 after giving all opportunity to all concerned in relation to survey No.476/3C1, Thangachiyampatti Village, Oddanchathiram Taluk, Dindigul District with respect to patta No.1519, Revenue Department, based on the reports as uploaded in the Tamil Nilam website, pursuant to the order of this Court in W.P(MD)No. 17789 of 2023 dated 24.07.2023, within such time this Court may graciously be pleased to direct in so far as the petitioner is concerned..

2. The petitioner is the owner of the property in S.No.476/3C measuring 22 cents, in Thangachiyampatti Village, Oddanchathiram Taluk, Dindigul District, having acquired the same through a settlement deed executed in his favour on 14.09.1995. According to the petitioner, the property in Survey No.476/3C measuring about 36 cents and the patta for the same stood in the names of M.Kalpana w/o Murugesan, Murugesan s/o Palanichamy Goundar, Santhosh Kumar s/o Arumuga



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Goundar and Vijayaasmiya w/o Santhosh Kumar. The petitioner stated that out of 36 cents, 22 cents belonged to the petitioner. While so, 36 cents of lands were acquired by the Highways Department as per the proceedings of the Special Tahsildar. The property in S.No.476/3C to an extent of 36 cents was subdivided as 476/3C1, 476/3C2. The petitioner stated that the land subdivided as 476/3C2 measuring 36 cents including the petitioner's 3 ¼ cents was acquired for the purpose of widening the road. According to the petitioner, in the re-survey, the remaining extent of 19 ¾ cents was subdivided as S.No.476/3C1. While things stood thus, to the shock and surprise of the petitioner, the Tahsildar, though found that the property in S.No.476/3C1, belonged to the petitioner rejected his claim for separate patta and retained the joint pattathars, who had no title to the said property in the joint patta. The petitioner therefore filed an appeal to the District Collector, on 11.12.2023 and 27.12.2023. The District Collector forwarded the same to the Revenue Divisional Officer. The Revenue Divisional Officer vide his proceedings dated 05.02.2024, directed the Tahsildar to inspect the property, conduct enquiry and submit him a report. The Tahsildar, in turn, delegated the work to the Village Administrative Officer. In the meanwhile, the Tahsildar, who



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made the wrong entry, was posted as Personal Assistant to the Revenue Divisional Officer and so he was protracting the issuance of patta in favour of the petitioner. Under the said circumstances, the petitioner was constrained to file the above Writ Petition for the aforesaid relief.

3. The learned counsel for the petitioner submitted that the Tahsildar, who was responsible for the wrong entry in the patta, was posted as the Personal Assistant to the Revenue Divisional Officer and so he was protracting the issuance of separate patta to the petitioner. The learned counsel therefore submitted that it would be appropriate to direct the District Collector to dispose the petitioner's representation after due enquiry. The learned counsel for the petitioner further submitted that the petitioner apprehended that he may not get justice from the Revenue Divisional Officer, as the Tahsildar, who passed orders against him, was posted as the Personal Assistant of the Revenue Divisional Officer.

4. I have given my anxious consideration to the submissions made on either side and perused the materials available on record.



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5. The petitioner's claim that the Tahsildar, who erroneously included the other's names as the joint pattathars for the petitioner's lands in S.No.476/3C1 in Thangachiyampatti Village, Oddanchathiram, Dindigul District, was posted as the Personal Assistant of the Revenue Divisional Officer is not disputed by the respondents.

6. In the light of the said fact, I am of the view that apprehension of the petitioner is justified. I am therefore inclined to issue a mandamus to the first respondent herein. Accordingly, the first respondent/the District Collector, Dindigul, is directed to conduct an enquiry after giving due opportunity to all the concerned persons in relation to subject survey number and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

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

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Index : Yes / No
NCC : Yes / No
CM



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N.MALA, J.

CM

Order made in
W.P.(MD)No.27996 of 2024

Dated:
25.11.2024