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Court : Chennai Madurai

Decided On : Jul-20-2016

Judge : M. Venugopal

Appeal No. : W.P(MD)No. 12742 of 2016

Appellant : M. Krishnan

Respondent : The District Revenue Officer, Office of the District Revenue Officer, Dindigul and Others

Judgement :

(Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to consider the Petitioner's representation dated 13.5.2016 for completing the enquiry pending before the second respondent in Na.Ka.No.7210/2013/Aa4, dated 27.11.2015 and to pass appropriate orders on merits and to cancel the joint patta and to issue the patta in the name of the Petitioner to the Petitioner's land in S.No.320/2 measuring an extent of 1 acre and 74 cents situated at Seevalsiraku Village, Athur Taluk, Dindigul District within the time stipulated by this Court.)

1. Heard both sides.

2. By consent of both sides, the main Writ Petition itself is taken up for final disposal.

3. No counter is filed on behalf of the Respondents.

4. According to the Petitioner, his father Muthuveeran had two brothers (1)Katalagan and (2)Vellaisamy and in fact, his father and Katalagan had died and the Petitioner is the legal heir of his father Muthuveeran. In the meantime, there is an ancestral property in Survey No.320/1, measuring an extent of 1 acre and 72 cents in Seevalsiraku Village, Athur Taluk, Dindigul District. The same is in joint possession of all. In the mean-time, in the UDR and "A" Register, the Petitioner's separate property in S.No.320/2 measuring an extent of 1 acre and 74 cents was mistakenly entered as joint patta along with Survey No.320/1. In the revenue records, both the properties were entered as joint patta.

5. The stand of the Petitioner is that he made a representation to the District Revenue Officer, Office of the District Revenue Officer, Dindigul District, as regards the wrong entries made in the revenue records and in UDR Patta on 13.06.2015. In this connection, the First Respondent had directed the Second Respondent and belatedly an enquiry had commenced by way of proceedings in Na.Ka.No.7210/2013/AS 4, dated 27.11.2015. In fact, the Petitioner appeared along with necessary documents before the Second Respondent and even though the enquiry was conducted on 27.11.2015. The Second Respondent without having any valid reason had failed to complete the enquiry and passed appropriate orders in this regard. Therefore, the Petitioner submitted a detailed representation to the Respondents 1 and 2 as regards the completion of enquiry, considering the fact that the Petitioner is a senior citizen having serious health issues. But till date, no action has been taken by the Respondents 1 and 2 in this regard.

6. In view of the fact his representation, dated 13.05.2016 is pending before the Respondents 1 and 2, without any disposal or progress, at this stage, this Court, without expressing any opinion on the merits and contents of the representation of the Petitioner, dated 13.05.2016, simpliciter, directs the Respondents 1 and 2 to look into the representation of the Petitioner with all seriousness and earnestness within a period of one week from the date of receipt of a copy of this order and

thereafter, it is incumbent upon the Respondents 1 and 2 to dispose of the representation of the Petitioner, dated 13.05.2016 in a complete and comprehensive manner by passing a reasoned speaking order on merits(of course after providing necessary opportunity to the Petitioner and others concerned, if any, by adhering to the principles of natural justice in true letter and spirit) within a period of four weeks thereafter. It is open to the Petitioner to produce copies of all necessary/relevant documents before the Respondents 1 and 2 and the Respondents 1 and 2 in turn shall take into consideration of the same at the time of disposal of the representation of the Petitioner, dated 13.05.2016. The Petitioner is also directed to lend his assistance/co-operation to the Respondents 1 and 2 in disposing of his representation, dated 13.05.2016, within the time prescribed by this Court.

7. With the aforesaid observations and directions, the Writ Petition stands disposed of. No costs.

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