

E. Devaraj Vs. The District Collector, Theni Distict and Others

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Court : Chennai Madurai

Decided On : Jul-15-2016

Judge : M. Venugopal

Appeal No. : W.P (MD)No. 12411 of 2016

Appellant : E. Devaraj

Respondent : The District Collector, Theni Distict 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 3 and 4 herein(Tahsildar and Village Administrative Officer) to consider the Petitioner's representation dated 25.09.2014 and to direct the respondents 3 and 4 to investigate and rectify the mistakes in the village records like adangal, chitta and to direct the fourth respondent to maintain proper upkeep of the village records, more particularly, for S.No.498/2, S.No.538/3, S.No.461/d and S.No.301/1, Silvarpatti, Periyakulam Taluk, Theni District.)

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, the Village Accounts Book is to be maintained as per G.O.No.581, dated 3.4.1987. He owns lands in S.No. 498/2, measuring an extent of 0.72 acres in Patta No.998, S.No.538/3 Punja 0.180 Ares in Patta No.734, S.No.461/D, Punja 0.160 Ares in Patta No.28 and S.No.301/1 Punja 1.205 Ares in Patta No.381 and for the past eleven years, the Village Account Books in Silvarpatti Village have not been maintained as per G.O.No.581, dated 3.4.1987. But the Respondents 3 and 4 managed to get their account books cleared in Annual Jamabandi and got approval of the concerned Officer.

5. The specific case of the Petitioner is that various false entries were made in almost all the Village Account Books maintained at Silvarpatti Village, particularly Adangal(A2,)Chitta (A101), Land Tax Demand Register (A102), Account No.1 and Account No.9 respectively. The false entry made in respect of S.No. 433/9(patta No.1185) was not rectified despite Assistant Director-Survey letter to the Second Respondent, dated 18.06.2008 on the Petitioner's complaint. As a matter of fact, the Petitioner made a representation to the First Respondent/The District Collector, Theni District, Collectorate Complex, Theni, with a copy being marked to the Second Respondent /The Revenue Divisional Officer, Taluk Office, Periyakulam Taluk, Theni District on 25.09.2014 and based on the representation, the First Respondent sent a communication to the Second Respondent on 1.10.2014 to take action on the representation of the Petitioner as regards the non-keeping of village records in Silvarpatti Village as per Govt.Order No.581, dated 3.4.1987. The Petitioner has not received any report and sent another representation to the Second Respondent/The Revenue Divisional Officer, Taluk Office, Periyakulam Taluk, Theni District on 5.11.2014 to intimate the status of action on the representation of the Petitioner and the First Respondent letter dated 1.10.2014. In reality, the Second Respondent/The Revenue Divisional Officer, Taluk Office, Periyakulam Taluk, Theni District, after a lapse of a year, on 16.09.2015 had sent a letter to the Third Respondent/The Tahsildar, Taluk Office, Periyakulam Taluk, Theni District to sent the Action Taken Report on the representation made by the Petitioner. Also that, the Petitioner sent another representation to the First Respondent on 23.10.2015 to take early action on the representation to maintain the village accounts. The First Respondent based on the reminder of the Petitioner, had sent a communication to the Second

Respondent/The Revenue Divisional Officer, Taluk Office, Periyakulam Taluk, Theni District, on 3.11.2015 to take action on the Petition of the Petitioner. Till date, the Petitioner has not received any reply.

6. The core contention advanced on behalf of the Petitioner is that the Respondents are duty bound to follow Govt. Order No.581, dated 3.4.1987 and other revenue Laws for maintaining village accounts in Silvarpatti Village like Adangal and Chitta etc. Also that, the Second and Third Respondents are bound to supervise and monitor the functioning of the Village Administrative Officer, Silvarpatti Village, Periyakulam Taluk, Theni District and must prevent falsification and misuse of records at the Fourth Respondent's Office etc. In these circumstances, as against the inaction of the second and third respondents(The Revenue Divisional Officer and Tahsildar)in not taking action on numerous representations of the Petitioner for more than 22 months, the present Writ Petition is filed by the Petitioner to direct the Respondents 3 and 4 to consider his representation dated 25.09.2014 and to direct the Respondents 3 and 4 to investigate and rectify the mistakes in the village records like Adangal, Chitta and to direct the Fourth respondent herein to get all the village records more particularly for S.No.498/2, S.No.538/2, S.No.538/3, S.No.461/d and S.No.301/21 of Silvarpatti, Periyakulam Taluk, Theni District.

7. Considering the fact that the Petitioner's numerous representations dated 25.09.2014, 1.10.2014, 5.11.2014 and 23.10.2015 are pending before the Second and Third Respondents for more than 22 months without any disposal or progress in the subject-matter in issue, this Court to prevent aberration of justice and to secure the ends of justice, directs the Respondents 3 and 4 to consider the Petitioner's representation, dated 25.09.2014 and the earlier representations(if any) and also the Respondents 3 and 4 are to investigate into the subject-matter and to take consequential remedial measures by rectifying the mistakes in the village records like Adangal, Chitta etc and to dispose of the representation of the Petitioner within a period of six weeks from the date of receipt of a copy of this order. The Third Respondent is directed to consider the representation of the Petitioner, dated 25.09.2014 in a fair, free and with an open mind, within the time frame determined by this Court. He is to pass necessary orders uninfluenced and

untrammelled with any of the observations made by this Court in this Writ Petition. It is needless for this Court to make a significant mention that the Third Respondent is to pass necessary orders based on the representation of the Petitioner, dated 25.09.2014 and other representations of the Petitioner(if any) in an unbiased manner and in case, if the Third and Fourth Respondents are in need of any copies of relevant documents/records from the side of the Petitioner, then it is incumbent on the part of the Petitioner to comply with the requirements of the Respondents 3 and 4 by furnishing the certified copies of the said documents/relevant records, so as to enable the concerned authority to do the needful in the subject-matter in issue within the time prescribed by this Court. The Petitioner is directed to lend his assistance and cooperation in this regard, without fail.

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

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