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Court : Chennai Madurai

Decided On : Jul-12-2016

Judge : M. Venugopal

Appeal No. : Writ Petition (MD). No. 10174 of 2016

Appellant : A. Ramachandran

Respondent : The Special Commissioner and Director of Survey and Settlement, Chepauk, Chennai and Another

Judgement :

(Prayer: Writ Petition filed under Article 226 of the Constitution of India or issuance of Writ of Mandamus directing the respondents to enter the petitioner's name in all revenue records including computer chitta for S.No.151/8 with an extent of 0.11.5 Ares (29 Cents) Merpanaikadu Village, Aranthangi Taluk, Pudukkottai District within a reasonable time frame.)

1. Heard both sides.

2. By consent, the main writ petition itself is taken up for final disposal.

3. No counter is filed on behalf of the Respondents 1 and 2.

4. According to the petitioner, the land measuring an extent of 0.11.5 ares (29 cents) in Sy.No.151/8, Merpanaikadu Village, Aranthangi Taluk, Pudukkottai District belong to him ancestrally and he is in possession and enjoyment of the same from the time of his ancestors. He is using the subject property along with the adjoining lands as a house site by putting up three houses for residential purpose of himself and his sons. The aforesaid property is enclosed with fence and there are enormous kinds of trees, hayrick and manure pit besides a tractor set.

5. The stand of the petitioner is that the subject land is entered in the revenue records as 'Local Fund Road' to his great shock and dismay. In fact, the subject property is nothing to do with or in any way connected or related to the road in Sy.No.6 on the northern side of the property in question. Indeed, he filed a petition before the Assistant Settlement Officer, Thanjavur praying for issuance of patta for the subject property in Sy.No.151/8, setting forth his claim. The said Officer directed him by means of a letter dated 13.11.2000 to seek remedy before the concerned Revenue Divisional Officer. Accordingly, he filed a petition before the Revenue Divisional Officer, Aranthangai as well as to the District Collector, Pudukkottai (2nd respondent).

6. The Learned Counsel for the Petitioner informs this Court that the Revenue Divisional Officer, Aranthangi initiated steps for change of classification of S.No.151/8 from 'Local Fund Road' to Assessed Dry Waste, as a prelude for grant of patta. The letter of the Revenue Divisional Officer, Aranthangi, in his proceedings in O.Mu.1089/2005, dated 23.02.2005 would manifest the same. That apart, the Tahsildar, Aranthangi had addressed a letter to the Revenue Divisional Officer, Aranthangi by means of a communication dated 27.06.2005, recommending the change of classification. He had clearly indicated that the entries made during Survey and Settlement for subject property as 'Local Fund Road' is an erroneous one and against the ground realities. He had stated so, after inspecting the site.

7. Although in the revenue records, the entry is 'Local Fund Road', till date, the petitioner's possession and enjoyment is not assailed by any of the Revenue

Authorities. When that be the facts situation, the Tahsildar, Aranthangi through his letter dated 26.09.2005 had informed the petitioner to approach the First Respondent/Special Commissioner and Director of Survey and Settlement, Chennai stating that the erroneous entry made during survey and settlement could be corrected. Accordingly, he preferred an appeal before the First Respondent on 21.10.2005. He had also issued a reminder to the Director of Survey and Settlement on 27.01.2006.Unfortunately, till date, he had not received any notice in his appeal. According to him, he is an agriculturist, aged about 80 years and he is an unlettered, gullible villager and very much interested and anxious to rectify the erroneous entry made in respect of the subject property, which is his patta land, during his life time itself. Furthermore, the Survey and Settlement Authorities have committed a grave mistake of entering Sy.No.151/8 as 'Local Fund Road' and in fact, there is no iota of trace of road in Sy.No.151/8 and the boundaries for the subject land would point out that there is no road at all as on all four sides, there is no road, but there is a land of private individual. That apart, the settlement of the Village Administrative Officer made during enquiry by Revenue Inspector on 24.07.2001 would also fortify his claim that there was never ever a road in existence in Sy.No.151/8.

8. The real grievance of the petitioner is that he made a representation to the respondents on 08.09.2015 (through his advocates addressed to the 1 and 2 respondents) calling upon the respondents to enter his name as owner in all revenue records including computer chitta, in conformity with ground realities, based on his possession and enjoyment of the property in question, within a reasonable time, without any further delay. Apart from that, it comes to be known that the petitioner had addressed a letter to the District Revenue Officer seeking issuance of patta. It appears that the petitioner's representation/lawyer's notice dated 08.09.2015 addressed to the respondents 1 and 2 has not met with any positive results till date. Hence, the petitioner has filed the present writ petition seeking necessary relief.

9. In view of the fact that the petitioner's representation/legal notice (issued through Learned Advocates), addressed to the respondents 1 and 2, is still pending without any progress or disposal, at this stage, this Court, without going

into the merits and contents of the registered lawyer's notice dated 08.09.2015/representation of the petitioner, in the interest of Justice and Fair Play, simpliciter, directs the petitioner to submit a fresh petition seeking necessary relief in the subject matter in issue within a period of one week from the date of receipt of copy of this order. Thereafter, the Revenue Divisional Officer, Aranthangi (Although he is not a party to the present writ proceedings) is to consider the said representation of the petitioner and to pass necessary reasoned, speaking order on merits within a period of three weeks thereafter. It is open to the petitioner to submit a copy of the earlier representation seeking issuance of patta and a copy of the registered legal notice dated 08.09.2015, addressed to the respondents 1 and 2 before the Revenue Divisional Officer, Aranthangi and on receipt of copies of the said representation/legal notice, the Revenue Divisional Officer, Aranthangi shall do the needful well within the time prescribed by this Court. It is open to the petitioner to rely upon all necessary copies of documents/records before the Revenue Divisional Officer, Aranthangi and in this regard, the petitioner is to co-operate with the Revenue Divisional Officer, Aranthangi so as to enable him to pass appropriate orders in the subject matter in issue.

10. With the aforesaid observation(s) and direction(s), the writ petition is disposed of. No costs.

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