
(2014) 11 MAD CK 0433
In the Madras High Court
Case No : W.P(MD) No. 18716 of 2014

K. Raju

APPELLANT

Vs

The Revenue Divisional Officer

RESPONDENT

Date of Decision : 20-11-2014

Acts Referred:

Citation : (2014) 11 MAD CK 0433

Hon'ble Judges : M. Venugopal, J

Bench : Single Bench

Judgement

M. Venugopal, J.—Heard both sides.

2. According to the Petitioner, he purchased a vacant site measuring to an extent of 1843 ? sq.ft out of a total extent of 33649 sq.ft in Old T.S.No. 1721, Dindigul Town within specific boundaries from Arockiasamy by means of a registered sale deed, dated 19.2.1982 for a valuable consideration. Subsequent to his purchase, when he commenced construction in the vacant site, his vendor's daughter Arulmary and her husband George Rajan disputed his title and interfered with his possession and enjoyment of the said property, resulting in filing of a suit in O.S.No. 92 of 1986 on the file of the Subordinate Court, Dindigul seeking the relief of declaration and for consequential permanent injunction against the said persons.

3. It comes to be known that the suit in O.S.No. 92 of 1986 was allowed as prayed for by the trial Court by means of judgement and decree, dated 24.01.1989 on the file of the District Court, Dindigul was preferred by the defendants and the appellate Court by judgement and decree, dated 14.11.1990 reversed the judgement and decree of the trial Court by setting aside the judgement and decree passed in the suit.

4. Being dissatisfied with the decree and judgement passed in A.S.No. 41 of 1989, the Petitioner filed S.A.No. 169 of 1991 on the file of this Court and this Court through Judgement and decree dated 30.10.2002 allowed the Second

Appeal thereby restoring the judgement and decree passed in O.S.No. 92 of 1986. During the pendency of the Second Appeal, the Second Defendant had died and his legal representatives were brought on record as R3 to R11. In short, the judgement and decree delivered in S.A.No. 169 of 1991 had attained its finality in the subject-matter in issue.

5. The learned counsel for the Petitioner brings it to the notice of this Court that the Petitioner had submitted a petition on 29.4.2013 before the District Collector, Dindigul during the Grievance Redressal Day. Earlier, the Petitioner had projected an application before the Second Respondent seeking necessary changes in mutation entries on the basis of the judgement and decree made in S.A.No. 169 of 1991. As a matter of fact, the Petition, dated 29.4.2014 filed before the District Collector, Dindigul was forwarded to the First Respondent who on 2.5.2013 in reference No. O.Mu.No. 2892/13/A3 directed the Special Tahsildar, Town Land Tax Scheme to inspect the property, conduct an enquiry and forward the report to the First Respondent. Till date, no action was taken by the Special Tahsildar.

6. The Petitioner issued a legal notice, dated 31.7.2014 to the Respondents and their higher officials. Even after receipt of legal notice, the Respondents had not taken any steps in the matter in issue. Resultantly, the Petitioner addressed a representation, dated 14.10.2014 to the Respondents and other officials putting forth his grievance and consideration of the same at the earliest point of time. It proved futile.

7. In view of the fact that the Petitioner seeks a relief from this Court for passing of an order by this Court in directing the Respondents to effect necessary changes in mutation records relating to Old T.S.No. 1721, New T.S.No. 2922/2A, Dindigul Town in consonance with the judgement and decree passed in O.S.No. 92 of 1986 by Sub-Court, Dindigul after following due process, this Court in the interest of justice and fair play, directs the Second Respondent to seriously and earnestly consider the last representation/Petition, dated 14.12.2014 in a fair, free, objective and dispassionate manner and to dispose of the same on merits by passing a reasoned speaking order and do the needful in the subject-matter in issue within a period of six weeks from the date of receipt of a copy of this Order (of course after providing due opportunity of hearing to the Petitioner and others concerned by adhering to the principles of natural justice in true letter and spirit).

8. With the aforesaid directions, the Writ Petition is disposed of. No costs.