



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2015

Coram

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P. (MD).No.14764 of 2015

Velladurai

:Petitioner

vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, directing the respondents to issue the patta in Survey No.757/30, measuring 1.5 acres, situated at Panayapatti Village, Thirumayam Taluk, Pudukkottai District, by considering the petitioner's representation, dated 17.06.2015.

For Petitioner :Mr.M.Ramu

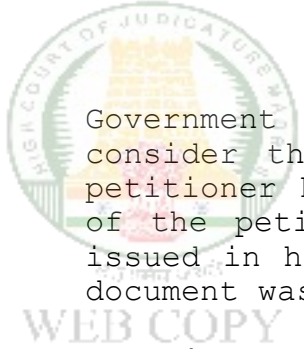
For Respondents :Mr.M.Murugan,
Govt.Advocate.**O R D E R**

The Writ Petition has been filed, praying for issuance of a Writ of Mandamus, directing the respondents to issue patta in Survey No.757/30, measuring to an extent of 1.5 acres, situated at Panayapatti Village, Thirumayam Taluk, Pudukkottai District, by considering the petitioner's representation, dated 17.06.2015.

2. The case of the petitioner is that the property in Survey No.757/30, measuring to an extent of 1.5 Acres, originally belonged to his father. According to the petitioner, originally, patta for the said land stood in the name of his father viz., Azhagan. The petitioner and his father were jointly enjoying the said land. Subsequently, there was a partition between the petitioner and his brother and the above house site was divided as two part and patta was issued in the name of the petitioner as well as his brother. When the petitioner verified the revenue records, he found that in the revenue record it has been mistakenly entered as 'vacant house site' instead of entering his name. Hence, the petitioner made a representation on 11.06.2015 and 17.06.2015 to the respondents, but the said representations were not considered.

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3. When the matter is taken up for consideration, the learned



Government Advocate vehemently opposed to direct the respondents to consider the representations of the petitioner stating that though the petitioner has stated that originally the patta was standing in the name of the petitioner's father viz., Azhagan, subsequently, the patta was issued in his brother name. In order to substantiate his contention, no document was annexed in the typed set of papers filed by the petitioner.

4. However, the learned counsel for the petitioner submitted that the petitioner is preferred to produce all necessary documents before the 2nd respondent.

5. In view of the submissions made on either side, this Court passes the following order.

The petitioner is directed to give a fresh representation to the 2nd respondent within a period of one week, from the date of receipt of a copy of this order, along with the patta issued in the name of his father and also patta, issued in his name and his brother's name and also other necessary documents along with said representation. In the event of receipt of such representation, along with necessary documents, the 2nd respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, within a period of six weeks, thereafter, by affording an opportunity to the parties. This Court made it clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner.

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

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar.

To

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.

1CC to Mr.M. Ramu, Advocate, SR.No.47575

1CC to The special Government Pleader, SR.No.47780

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2P/5C

AM/AAL-MPA/SAR-II/07.09.2015.

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