



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2015

CORAM:

THE HONOURABLE MR. JUSTICE R. SUBBIAH

Writ Petition (MD) No. 15397 of 2015

G. Nellai Nayakam

... Petitioner

Vs.

1. The District Revenue Officer,
Madurai District, Madurai.

2. The Revenue Divisional Officer,
District Collector office campus,
Madurai.

3. The Tahsildar,
Malur Taluk,
Melur, Madurai District.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first respondent to issue the patta as prayed for in the petitioner's representation dated 15.12.2014 and subsequently reminded representation dated 22.07.2015 for the lands stated above within the time frame that may be fixed by this Court.

For Petitioner : Mr. A. R. Sethupathy
For Respondent : Mr. S. Kumar
Addl. Govt. Pleader

ORDER

This Writ petition has been filed praying for issuance of a Writ of Mandamus directing the first Respondent to issue patta as prayed for in the petitioner's representation dated 15.12.2014.

The case of the petitioner is that some items of land situate in Veppadappy village, Melur Taluk, covered in patta Nos. 394 and 399, belong to his family and thus, an extent of 10 acres was in possession of his parents. The petitioner is the only legal heir for his parents and hence he applied for issuance of a patta for the above said extent of land. Meanwhile, one Jagadeesvaran, filed a suit in O.S. No. 248 of 2008 on the file of the District Munsif Court, Melur, praying for an injunction and to issue patta in his favour, but the same was dismissed. Because of pendency of the said suit, process of issuance of patta in favour of the petitioner was pending. Thereafter, the petitioner has filed a petition on 14.03.2012 before the respondents for the same relief, for which the second respondent sent a reply on 02.05.2012, directing the petitioner to submit certified copy of the Judgment passed in the said Suit and the



same was also produced on 29.05.2012. But, no action was taken to issue patta. Hence, the petitioner has filed WP No.1271 of 2013 before this Court seeking for a direction to the second respondent to consider his representation dated 14.03.2012 and a direction was also issued to the second respondent to consider the said representation. Even then, no order was passed by the second respondent and subsequently, the petitioner has made various attempts by initiating various proceedings, but all the attempts made by the petitioner have become futile. Finally, the petitioner has filed a petition before the first respondent on 15.12.2014 and also issued a reminder on 22.07.2015. In spite of all the efforts, the petitioner could not get any direction in his favour. Hence, the present writ petition has been filed.

4. Considering the grievance of the petitioner and also taking into account the efforts taken by him to get a patta in his favour as mentioned above, this Court is inclined to pass the following direction to the first respondent:

"The petitioner is directed to produce a copy of the representation dated 15.12.2014 along with a copy of this order before the first respondent within a period of two weeks. On receipt of the same, the first respondent is directed to consider the representation dated 15.12.2014, after affording an opportunity to the necessary parties if any, and pass appropriate orders on merits and in accordance with law, within a period six weeks, thereafter.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Per.Admin)

/True copy/

Sub Assistant Registrar

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To

1. The District Revenue Officer, Madurai District, Madurai.
2. The Revenue Divisional Officer,
District Collector office campus, Madurai.
3. The Tahsildar, Malur Taluk, Melur, Madurai District.

+one cc to M/s.A.R.Sethupathy, Advocate in SR.No.49654
+one cc to The Special Government Pleader, SR.No. 49453

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CSL/SKS-RR/SAR(PA)/04.09.2015
2P/6C