



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.08.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD) .No.15584 of 2015

WEB COPY

P.Palanisamy

..Petitioner

Vs.

1.The Commissioner,
Land Revenue Survey and Settlement,
Chepakkam,
Chennai - 600 005.

2.The Assistant Settlement Officer,
The Office of the Director of Land Revenue,
Survey and Settlement(South),
Chepakkam,
Chennai - 600 005.

3.The Thiruvaduthurai Adheenam,
Thirvaduthurai,
Rep. By its Adheenakartha,
Sri. La.Sri.Siva Prakasa Pandara Sannidhi Avergal,
Myladuthurai Taluk,
Nagapattinam District.

..Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 and 2 particularly the second respondent to consider the petitioner's representation, dated 11.12.2014 submitted for the issuance of patta including petitioner's name as cultivating tenant in respect of the property bearing punja survey Nos.143, 144 measuring to an extent of 9.76 acres situated at Mettalvilai, Sivanthipuram Village, Ambasamuthiram Taluk, Tirunelveli District and dispose of the same within a time frame as specified by this Court forthwith.

For petitioner : Mr.S.Palanivelayutham
For Respondents : Mr.M.Murugan,
Government Advocate

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the respondents 1 and 2 particularly the second respondent to consider the petitioner's representation, dated 11.1.2014 submitted for issuance of patta including petitioner's name as cultivating tenant in respect of the property bearing punja survey Nos.143, 144 measuring to an extent of 9.76 acres situated at Mettalvilai, Sivanthipuram Village, Ambasamuthiram Taluk, Tirunelveli District and dispose of the same within a stipulated time.

2. Mr.M.Murugan, learned Government Advocate takes notice for the



3. By consent, this Writ Petition itself is taken up for final disposal.

4. It is averred in the petition filed in support of the Writ Petition that the property bearing punja survey Nos. 143, 144 measuring to an extent of 9.76 acres situated at Mettalvilai, Sivanthipuram village, Ambasamuthiram Taluk, Tirunelveli District, originally belongs to the third respondent. The petitioner is the cultivating tenant and he is enjoying the said property as a tenant for several decades and he has been paying the lease amount without any default. While the matter stood thus, some strangers tried to fabricate the documents as if they are in possession of the property to get patta from the authorities concerned. Hence, the petitioner gave a representation to the second respondent on 11.12.2014 to consider the name of the petitioner as cultivating tenant and to issue patta to that effect. But there was no action on the said representation. Hence, the petitioner sent a representation to the first respondent on 02.02.2015. The same was not considered so far. Hence, the petitioner has come forward with the Writ Petition for the above stated relief.

5. Considering the submission made, without going into the merits of the matter, this Court directs the petitioner to approach the second respondent along with a copy of the representation, dated 11.12.2014, with a copy of this order and on receipt of the same, the second respondent is directed to consider the same and pass appropriate orders by affording an opportunity of hearing to the third respondent and other necessary parties if any, on merits and in accordance with law, within a period of eight weeks thereafter. It is made clear, this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the second respondent to consider the case purely on merits.

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

Sd/-

Assistant Registrar(crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Land Revenue Survey and Settlement,
Chepakkam,
Chennai - 600 005.

2. The Assistant Settlement Officer,
The Office of the Director of Land Revenue,
Survey and Settlement (South),
Chepakkam, Chennai - 600 005.

+1cc to Mr. S. Palani Velayutham, Advocate in SR.No.49922

+1CC to the Special Government Pleader, in SR.No.50028

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