



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.09.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.16394 of 2015

and

M.P(MD)No.1 of 2015

Madhanagopal

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The District Revenue Officer,
Madurai,
Madurai District.

3.The Revenue Divisional Officer,
Madurai,
Madurai District.

4.The Tahsildar,
Madurai North Taluk,
Madurai District.

... Respondents

This Writ Petition has been filed under Article 226 of Constitution of India praying for a Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order passed by the 4th respondent in Na.Ka.No.9323/2015/B2, dated 15.06.2015, quash the same and direct the 4th respondent to issue patta to the petitioner for the lands inn S.No.25.109A1 and S.No.29/4 of Koolappandi Village, Madurai North Taluk, Madurai District.

For petitioner : Mr.R.Subramanian

For Respondents : Mr.M.Murugan

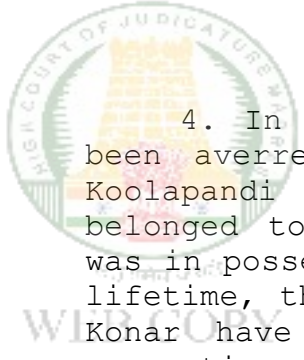
Govt. Advocate

ORDER

The Writ Petition has been filed praying for a Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order, passed by the 4th respondent in Na.Ka.No.9323/2015/B2, dated 15.06.2015, quash the same and direct the 4th respondent to issue patta to the petitioner for the lands in S.No.25.109A1 and S.No.29/4 of Koolappandi Village, Madurai North Taluk, Madurai District.

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

3. By consent, this Writ Petition itself is taken up for final disposal.
<https://hcservices.ecourts.gov.in/hcservices/>



4. In the affidavit filed in support of the Writ Petition, it has been averred that the property bearing S.No.25/10A1 and S.No.29/4 of Koolapandi Village, Madurai North Taluk and other lands originally belonged to the petitioner's paternal grandmother Meenakshi Ammal. She was in possession and enjoyment of the land by obtaining patta. After her lifetime, the petitioner's father Marudhamuthu Konar and his brother Ramu Konar have divided the properties. In the said petition, the above properties were allotted to the share of the petitioner's father Marudhamuthu Konar, by a Mutchalika, dated 06.05.1999. The petitioner's father Marudhamuthu Konar died on 21.09.2006 leaving behind the petitioner and other legal heirs. After his demise, the petitioner succeeded the above properties and he is in possession and enjoyment of the same. The petitioner gave an application on 24.04.2015, for change of patta. The fourth respondent has called for documents for effecting change. The petitioner produced the copy of the judgment, dated 01.08.2010 passed in O.S.No.1031 of 2006 to show the relationship between the parties. The petitioner had also produced the certified copy of the judgment and also produced the Death Certificate of Meenakshi Ammal as well as his father Marudhamuthu Konar. But without considering the application, the fourth respondent simply issued a memo stating that the suit in O.S.No.1031 of 2006 ended in favour of other side and hence, the application cannot be entertained. Therefore, the petitioner has come forward with this Writ petition for the above stated relief.

5. When the matter is taken for hearing, the learned Government Advocate submitted that the respondent had never been denied to issue patta. In fact, the petitioner had also denied to produce all the relevant documents to enable him to issue patta. He further submitted that the petitioner claiming is patta to an extent of 23 cents, but as per the records of the respondent, only 18 cents are available in the survey number referred by the petitioner.

6. The learned counsel for the petitioner submitted that though the petitioner has already produced all the necessary documents to the respondent, but inspite of the same, he is ready to produce one more set of documents and on production of the same a direction may be given to the respondent to consider the same and pass appropriate orders.

7. Considering the facts and circumstances of the case, this Court directs the petitioner to give all the necessary documents to the respondents within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents are directed to pass appropriate orders on the same, on merits and in accordance with law within a period of six weeks thereafter in respect of Survey No.29/4.

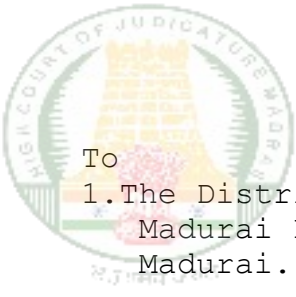
8. With the above direction, the Writ Petition is disposed of. No Costs. Consequently, connected M.P(MD)No.1 of 2015 is also closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

1.The District Collector,
Madurai District,
Madurai.

2.The District Revenue Officer,
Madurai,
Madurai District.

3.The Revenue Divisional Officer,
Madurai,
Madurai District.

4.The Tahsildar,
Madurai North Taluk,
Madurai District.

+1cc to Mr.R.Subramanian, Advocate SR.No.54253

W.P (MD) .No.16394 of 2015
14.09.2015

am

NS/GSV-PM/06.10.2015 : 3P/6C