



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.09.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD) .No.17105 of 2015

and

M.P(MD)No.2 of 2015

1.Thirumal Alagu
2.Ramasamy
3.Natarajan
4.K.Jeganathan
5.K.Sadagopal

...Petitioners

Vs.

1.The District Collector,
Office of the District Collector,
Sivagangai.

2.The District Revenue Officer,
Office of District Revenue Officer,
Collectorate,
Sivagangai.

3.The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Sivagangai Taluk,
Sivagangai District.

4.The Thasildhar,
Kaliyarkoil,
Sivagangai 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 to consider the petitioners' representation including, dated 16.06.2015 to the respondents and consequently direct to grant patta for the lands situated in S.Nos.79.2 pt and 78 situated in 78, Purasaipatti, Udayarendal Group, Koothakudi Village, Sivagangai Taluk, situated in erstwhile Sivagangai Taluk now comprised in Kalayarkovil Taluk, Sivagangai District.

For petitioners : Mr.Thiagarajan
Senior Counsel for
Mr.R.Senthil Kumar

For Respondents : Mr.M.Murugan,
Government Advocate



ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the respondents to consider the petitioners' representation, dated 16.06.2015 and pass orders with regard to issuance of patta for the lands situated in S.Nos.79.2 pt and 78 situated in 78 in Purasaipatti, Udayarendal Group, Koothakudi Village, Sivagangai Taluk, situated in erstwhile Sivangangai Taluk now comprised in Kalayarkovil Taluk, Sivagangai District.

2. In the affidavit it has been averred that the petitioners are the permanent residents of Kurunthakulam Village, Sivagangai Taluk and District(old Ramanathapuram District). The lands in question were the subject matter of original grant to the petitioners' ancestors during the end of 17th century AD and the petitioners' ancestors had come to own the Kudivaram and they were in continuous possession and enjoyment of Kudivaram. As the descendents, the petitioners are in possession of the same. Patta in respect of the above said lands was granted in favour of one Muniyandi Ambalam, who is the father of the petitioners 1 and 2. The same was confirmed by the Assistant Settlement Officer after conducting due enquiry and after overruling the objections raised by some third party under the provisions of the Madras Estate(Abolition and Conversion into Ryothuwari) Act 1948. Since there is no other further proceeding, the order of the Settlement Office has become final. Since the said Muniyandi Ambalam died in the year 1972, patta was granted in favour of the petitioners. However, there are 28 items of property. But the respondents had chosen to issue patta in respect of 23 items only. For the remaining five items of properties, the respondents had not considered the petitioners' request to issue patta. Hence, on 16.06.2015, the petitioners made a representation to the respondents to issue patta in favour of the petitioners in respect of the lands in S.Nos.79.2 pt and 78 situated in 78 in Purasaipatti, Udayarendal Group, Koothakudi Village, Sivagangai Taluk, situated in erstwhile Sivangangai Taluk. But the same was not considered so far. Hence, the petitioners have come forward with the present Writ petition for the above stated relief.

3. Heard the learned counsel for the petitioners and the learned Government Advocate for the respondents and perused the materials available on record.

4. Considering the submissions made either side, this Court is constrained to pass the following order:

Without going into the merits of the averment made in the Writ Petition, this Court directs the fourth respondent to consider the representation of the petitioners, dated 16.06.2015, on merits and in accordance with law by affording an opportunity of hearing to all the necessary parties and pass appropriate orders with regard to issuance of patta in favour of the petitioners, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioners and it is for the fourth respondent to consider the same purely on merits.



With the above direction, the Writ Petition is disposed of.
No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/

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Sub Assistant Registrar

To

- 1.The District Collector,
Office of the District Collector,
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- 2.The District Revenue Officer,
Office of District Revenue Officer,
Collectorate,
Sivagangai.
- 3.The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Sivagangai Taluk,
Sivagangai District.
- 4.The Thasildhar,
Kaliyarkoil,
Sivagangai District.

+1cc to Mr.R.Senthil Kumar, Advocate SR.No.56643

+1cc to The Special Government Pleader, Madurai. SR.No.56840

W.P (MD) .No.17105 of 2015

25.09.2015

pm

NS/GSV-PM/09.10.2015 : 3P/7C