



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.10.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P (MD) .No.19429 of 2015

Palanivel

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District.

2.The Revenue Divisional Officer,
Pudukkottai,
Pudukkottai District.

3.The Tahsildar,
Alangudi Taluk,
Pudukkottai District.

... Respondents

This Writ Petition has been filed under Article 226 of Constitution of India praying for a Writ of Mandamus, directing the respondents herein to consider the representation of the petitioner, dated 18.03.2015 and to issue patta to the petitioner for the land comprised in Survey No.39/7 situated in Karambakadu Enam Village, Alangudi Taluk, Pudukkottai District.

For petitioner : Mr.A.K.Manickam
For Respondents : Mr.S.Kumar
Addl.Govt. Pleader

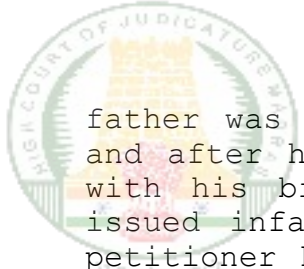
ORDER

The Writ Petition has been filed praying for a Writ of Mandamus, directing the respondents herein to consider the representation of the petitioner, dated 18.03.2015 and to issue patta to the petitioner for the land comprised in Survey No.39/7 situated in Karambakadu Enam Village, Alangudi Taluk, Pudukkottai District.

2. Mr.S.Kumar, learned Additional Government Pleader takes notice for the respondent.

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

4.In the affidavit filed in support of the Writ Petition, it has been averred that the petitioner and his brother are the absolute owners of the property to an extent of 3 acres 23 cents comprised in Survey No.39/7 situated in Karambakadu Enam Village, Alangudi Taluk, Pudukkottai District. The said property was acquired by the petitioner's grandfather Subramanian and Sakarar through Court proceedings on 20.12.1939. From the date on which, the petitioner's grandfather was in peaceful possession and enjoyment of the said property and thereafter, the petitioner's



father was in possession. The petitioner's father died in the year 2010 and after his death, the petitioner is enjoying the said property along with his brother by paying necessary tax. So far no patta has been issued infavour of the petitioner and his brother. On 18.03.2015, the petitioner has given a representation to the respondents for issuance of patta in his favour in respect of the property comprised in Survey No.39/7 situated in Karambakadu Enam Village, Alangudi Taluk, Pudukkottai District. After receipt of the said application, dated 18.03.2015, the first respondent by his proceedings, dated 26.06.2015 in O.Mu.3762/2015/D3 directed the third respondent to take appropriate action on the representation. Though the third respondent was directed by the first respondent as early in June 2015 to issue patta in favour of the petitioner and no order has been passed by the third respondent as on date. Hence, the petitioner has come forward with this Writ petition for the above stated relief.

5. Considering the facts and circumstances of the case, without going into the merits of the case, this Court directs the third respondent to consider the representation of the petitioner, dated 18.03.2015 and pass appropriate orders on the same day on merits and in accordance with law, by affording an opportunity of hearing to all the necessary parties with regard to issuance of patta to the petitioner for the land comprised in Survey No.39/7 situated in Karambakadu Enam Village, Alangudi Taluk, Pudukkottai District, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any opinion on 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(Writs)

/True Copy/

Sub Assistant Registrar.

To

- 1.The District Collector,
Pudukkottai District.
- 2.The Revenue Divisional Officer,
Pudukkottai,
Pudukkottai District.
- 3.The Tahsildar,
Alangudi Taluk,
Pudukkottai District.

+1CC to Mr.A.K.Manickam,Advocate, SR.No.63656.
+1CC to The Special Government Pleader SR.No. 63193.

W.P (MD) .No.19429 of 2015