



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD)No.19467 of 2015

S.Arumugam

..Petitioner

Vs

1.The Sub-Collector,
Lalgudi,
Tiruchirapalli District.

2.The Tahsildar,
Lalgudi,
Tiruchirapalli District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS directing the second respondent to measure and issue patta to the petitioner to the extent of 4 cents in S.No.33/19A1 in Pullampadi village, Lalgudi Talulk, Tiruchirapalli District.

For Petitioner :Mr.V.Panneer Selvam
For Respondents :Mr.M.Murugan,
Government Advocate

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the second respondent to measure and issue patta to the petitioner to the extent of 4 cents in S.No.33/19A1 in Pullampadi village, Lalgudi Talulk, Tiruchirapalli District.

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

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

4. In the affidavit it has been averred that the grandfather of the petitioner by name Arunachala Udayar owned 22 cents of land in S.No.399/19 in Pullampadi Village. The said Arunachala Udayar died leaving behind his three children namely (1) Ponnusamy Udayar (2) Kandasamy Udayar and (3) Sinnu Udayar, as his legal heirs. The petitioner is the son of the said Sinnu Udayar. Further, during partition, the father of the petitioner was given with eight cents. Thereafter, in respect of the above said 8 cents, there was a partition between the petitioner and his elder brother Subbu Udayar and in which the petitioner was given with 4 cents of land. Thereafter, the petitioner has made representation to the second respondent on 12.03.2015 requesting to issue patta to him in respect of the land measuring to an extent of 4 cents in S.No.33/19A1. Since the same was not considered so far, the petitioner has come forward with the present Writ Petition for

the above stated relief.

5. Considering the submission made by the learned counsel for the petitioner, without going into the merits of the averments made in the Writ Petition, this Court directs the petitioner to give a copy of the representation, dated 12.03.2015 to the second respondent along with a copy of this order, within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, by affording an opportunity of hearing to all the necessary parties, within a period of four 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 petitioner and it is for the second respondent to consider the same purely on merits.

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

Sd/-
Assistant Registrar(Per.Admn)

/True Copy/

Sub Assistant Registrar.

To

1.The Sub-Collector,
Lalgudi,
Tiruchirapalli District.

2.The Tahsildar,
Lalgudi,
Tiruchirapalli District.

+1CC to Mr.V.Paneer Selvam, Advocate, SR.No. 63593
+1CC to The Special Government Pleader SR.No. 63176.

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AM/03.11.2015/AAL.MPA/SAR-II/2P/5C