



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD)No.19499 of 2015

K.S.Sundar @ Sundaram

..Petitioner

Vs

1.The District Collector,
Collectrate Premises,
Dindigul District,Dindigul.

2.The Tahsildar,
Natham Taluk,
Natham,Trichy 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 consider the representation of the petitioner, dated 12.10.2015 and consequently direct the second respondent to issue patta in favour of the petitioner to the extent of 1 Acre 50 cents out of 9 acres bearing Survey No.392-2 in Mulaiyur Village of Natham Taluk, Dindigul District by receiving payment for the aforesaid property as per the revenue value.

For Petitioner :Mr.R.Pandi Maharaja
For Respondents :Mr.M.Murugan,
Government Advocate

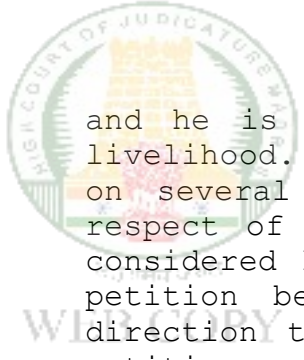
ORDER

The Writ Petition has been filed by the petitioner praying for a Writ of Mandamus directing the second respondent to consider the representation of the petitioner, dated 12.10.2015 and consequently direct the second respondent to issue patta in favour of the petitioner in respect of the land measuring to an extent of 1 Acre 50 cents out of 9 acres in Survey No.392-2 in Mulaiyur Village of Natham Taluk, Dindigul 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 land measuring to an extent of 9 Acres in Survey No.392-2 in Mulaiyur Village of Natham Taluk, Dindigul District is classified as Tax Paid Cultivating Land. Out of the aforesaid land, an extent of 1 Acre and 50 cents is in possession and enjoyment of the petitioner for the past 22 years. The petitioner has also paid proper revenue tax for the possession of the aforesaid land



and he is cultivating some crops in the said land and eking out his livelihood. Thereafter, the petitioner had approached the respondents on several occasions to grant patta in favour of the petitioner in respect of the above said land. But none of the representations was considered by the respondents. Hence, the petitioner has filed a writ petition before this Court in W.P(MD)No.1823 of 2015 seeking for a direction to the second respondent to issue patta in the name of the petitioner in respect of the above said property. This Court vide order dated 27.02.2015, has directed the first respondent to consider the representation of the petitioner, dated 31.01.2015 and pass appropriate orders on merits and in accordance with law, after getting necessary inputs from the Forest Department preferably within a period of five months from the date of receipt of a copy of that order. Pursuant to the order of this Court, the second respondent was directed by the first respondent vide letter in Na.Ka.No.12103/2015/D1, dated 07.08.2015 to grant patta to the petitioner. But no step was taken by the second respondent to issue patta to the petitioner. Hence, once again the petitioner has made a representation to the respondents on 12.10.2015. The same was not considered so far. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. Considering the submissions made by the learned counsel appearing for the petitioner, without going into the merits of the averments made in the Writ Petition, this Court directs the second respondent to consider the representation of the petitioner, dated 12.10.2015 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 six 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.

6. Accordingly, this writ petition is disposed of. No costs.

sd/-

Assistant Registrar (Co)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Collectrate Premises,
Dindigul District,Dindigul.

2.The Tahsildar,
Natham Taluk,
Natham, Trichy District.

+1cc to Mr.R.Pandi Maharaja, Advocate SR.No.63662
+1cc to the special Government Pleader SR.NO.63185

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