



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.19507 of 2015

S.Natarajan

..Petitioner

Vs

1.The District Collector,
Karur District,
Karur.

2.The Tahsildar,
Kadavur Taluk,
Karur 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 issue patta for the vacant site measuring an extent of 42.75 sq. mt., situated at S.No.333 of Servaikaranpatti Village, Mullipadi Panchayat, Kadavur Panchayat Union, Karur District on the basis of the sale deed, dated 29.12.2009 in accordance with law, within the time stipulated by this Court.

For Petitioner :Mr.P.R.Prithiviraj

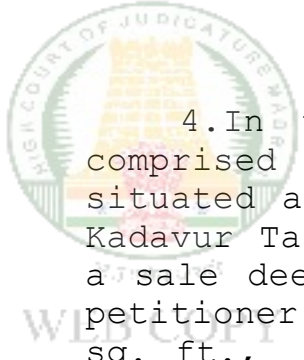
For Respondents :Mr.M.Murugan,
Government Advocate

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the second respondent to issue patta for the vacant site measuring to an extent of 42.75 sq. ft., situated at S.No.333, Servaikaranpatti Village, Mullipadi Panchayat, Kadavur Panchayat Union, Karur District on the basis of the sale deed, dated 29.12.2009, in accordance with law, within a stipulated time.

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

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



4. In the affidavit it has been averred that the property comprised in Survey No.333 measuring to an extent of 460 sq. ft. situated at Mullipadi Village Panchayat, Kadavur Panchayat Union, Kadavur Taluk, Karur District belongs to the petitioner by way of a sale deed, dated 29.12.2009. From the date of purchase, the petitioner is in possession and enjoyment of the same. Out of 460 sq. ft., construction has been made in 228 sq. ft., and rest of them, is a vacant site. Thereafter, the petitioner has made a representation to the second respondent on 23.05.2012 to change the patta in the name of the petitioner. Based on the same, the second respondent forwarded the said application to the concerned Village Administrative Officer directing him to sent a report after making spot inspection. Thereafter, no steps have been taken for change of patta. Thereafter, the second respondent had issued patta for the building of the petitioner alone and no patta has been issued in respect of the vacant site. Hence, 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 fresh representation 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 thereafter. 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(Crl.Side)

/True copy/

Sub Assistant Registrar

pm

To

1.The District Collector, Karur District, Karur.

2.The Tahsildar, Kadavur Taluk, Karur District.

+1cc to Mr.P.R.Prithiviraj, Advocate Sr No.63046

+1cc to Special Government Pleader Sr No.63190

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