



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.10.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD) .No.19621 of 2015

M.Mahadir

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Collectorate Complex,
Sethupathinagar,
Ramanathapuram District.

2.The Tahsildar,
Ramanathapuram.

3.The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.

... Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the first respondent herein to conduct necessary enquiry on the basis of petitioner's representation, dated 26.10.2015 and pass suitable orders for grant of patta in respect of the property comprised in Survey No.317/1A of an extent of 8100 sq. ft situated at Rajasuryamadai Village, Ramanathapuram District within the time stipulated by this Court.

For petitioner	: Mr.M.Venkateswaran
For R1 & R2	: Mr.S.Kumar, Additional Government Pleader
For R3	: Mr.Sethu Jeanakar

ORDER

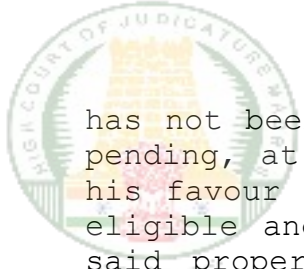
This Writ Petition has been filed praying for a Writ of Mandamus, directing the first respondent herein to conduct necessary enquiry on the basis of petitioner's representation, dated 26.10.2015 and pass suitable orders for grant of patta in respect of the property comprised in Survey No.317/1A of an extent of 8100 sq. ft situated at Rajasuryamadai Village, Ramanathapuram District within the time stipulated by this Court.

2. Mr.S.Kumar, learned Additional Government Pleader takes notice for the respondents 1 & 2 and Mr.Sethu Jeanakar, learned counsel takes notice for the third respondent.

3. By consent, the 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 property more fully mentioned above belongs to the Maharaja of Ramnad. On 11.07.1951 the Diwan of Samasthan namely Balajirao passed an Official Order whereby the above property has been granted in

favour of the brother of said Maharaja namely R.Chidambaranatha Durai. Thereafter, the said property was sold by the said Chidambaranatha Durai to one Sakunthala. Subsequently, the said Sakunthala sold a part of the properties to the petitioner's father namely M.A.Khadar through a registered document dated 08.11.1984. Similarly, the said Sakunthala had also sold some part of the properties in favour of one Narayanasamy, who subsequently sold the same to the petitioner's father on 08.06.1994. The petitioner's father had also purchased some more properties on 06.06.1991 and also on 27.03.1999 from the said Sakunthala in the very same survey number I.e., 317/1A. During the year 1985 the Ramanathapuram Municipality attempted to grab the properties situated in the above survey number. Hence, the said Sakunthala filed a civil suit in O.S.No.63 of 1985 on the file of the Sub Court, Ramanathapuram, Camp at Madurai and the said suit was decreed in favour of Sakunthala and she became absolute owner. Since no further proceedings were initiated thereafter the said decree became final. It is also pertinent to point out since the extent of land is very vast and as a matter of gesture after decree was passed, in order to avoid further litigations, the predecessor of the land namely Chidambaranatha Durai has gifted some portion of the land in the very same survey to the Municipality for their development works. Even a resolution about the gift of the property made by the said Chidambara Durai was passed on 17.02.1987 vide resolution No.411. Further, a compromise was also arrived between the said Chidambaranatha Durai and Municipality to the effect to drop all further proceedings. On 29.04.1991 the Government of Tamil Nadu represented by Secretary, Municipal administration and Water Supply Department by its letter No.13400/M7/89-11 sent a reply to the letter addressed by the Commissioner of Municipal administration directing to him to accept the gift executed by the said Chidambaranatha Durai. Based on the above said letter from the Water Supply Department, another resolution was also passed by the Municipality on 23.05.1991 vide resolution No.59. Thus, it is clear that the State Government or the Municipality has got no right over the said properties and it is only the petitioner, who is the absolute owner and entitled to get the patta in respect of the said property. While so, now the municipality again tried to dispossess the petitioner from the properties from the said survey number without any right whatsoever. Hence, in order to protect his legal rights on the said property, a civil suit was again filed before the competent court at Ramanathapuram in O.S.No.74 of 2005 seeking for an injunction. However, the said suit was dismissed with a direction to file declaratory suit. As against the said order, an appeal has been preferred and the same is pending for adjudication in A.S.No.25/2013 before the Sub Court, Ramanathapuram. While so, during the year 2008 the petitioner's father viz., M.A.Khadar died. The petitioner and other legal heirs have been continuing the legal battle before the above said Court. It is clear that in all the above proceedings, the petitioner's father purchased the properties from its rightful owners through valuable documents and for valid consideration. Besides he has been in adverse possession of the said properties since 1984 without any obstructions or objections from any quarter. Hence, the petitioner submitted a detailed application to the revenue authorities seeking for issuance of patta in respect of his properties comprised in S.No.317/1A measuring an extent of 8100 sq.ft situated at Rajasuryamadai Village and also made frequent appeals and requests to the officials of the revenue department for grant of patta in his favour. Even though, so many years have lapsed, till date the patta



has not been issued in his favour. Even though, only civil disputes were pending, at no point of time there was any dispute for grant of patta in his favour or in favour the petitioner's father. Hence, they are legally eligible and entitled for issuance of the patta in respect of the above said property. Due to the non issuance of the patta, so many vested persons are making serious efforts to grab the property on one pretext or other. Therefore, the petitioner sent a detailed representation dated 26.10.2015 to the respondents and even though the same was acknowledged, no action has been taken by the respondents to issue patta. Since the same was not disposed of till date, 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 second respondent to consider the representation of the petitioner, dated 26.10.2015 and pass appropriate orders on the same on merits and in accordance with law, by affording an opportunity of hearing to all the necessary parties, within a period of eight 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 and it is for the second respondent to consider the representation purely on merits.

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

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Collectorate Complex,
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Ramanathapuram District.

2.The Tahsildar,
Ramanathapuram.

3.The Commissioner,
Ramanathapuram Municipality,
Ramanathapuram.

+1cc to special Government Pleader SR.No.63891
+1cc to M/s.M.Venkateshwaran, Advocate Sr.NO.63833

sm:sks-rr:14.12.2015:3P/6C

W.P (MD) .No.19621 of 2015
29.10.2015