



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2015

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P. (MD) No.21484 of 2014

and

M.P.No.1 of 2014

S.P.K.Ganesan

: Petitioner

Vs.

The Tahsildar,
Taluk Office, Thuraiyur Taluk,
Tiruchirappalli District.

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Certiorarified Mandamus to call for the records of the respondent passed in Na.Ka.A1-9156-2014, dated 08.08.2014 and quash the same and consequently direct the respondent to issue patta to the petitioner to an extent of 20 cents of land in Survey No.281-7 of Okkarai Village, Thuraiyur Taluk, Tiruchirappalli District.

For Petitioner : Mr.T.M.Madasamy

For Respondent : Mr.S.Chandrasekar
Government Advocate

O R D E R

Mr.S.Chandrasekar, learned Government Advocate, takes notice for the respondent. By consent, the Writ Petition is taken up for disposal at the stage of admission itself.

2. Challenge in this Writ Petition is to the order, dated 08.08.2014, and for a direction to the respondent to issue patta to the petitioner to an extent of 20 cents of land in Survey No.281-7, situated at Okkarai Village, Thuraiyur Taluk, Tiruchirappalli District.

3. The case of the petitioner is that his father purchased property in Survey No.281/7, Okkarrai Village, Thuraiyur Taluk, Tiruchirappalli District, to an extent of 20 cents, by a registered sale deed, dated 29.07.1948. After the death of his father, the petitioner made a representation to the respondents to issue patta in his favour. The claim of the petitioner was rejected on the ground that the petitioner sought for assignment from the Government.

4. The learned counsel appearing for the petitioner would contend that the respondent misconstrued the claim of the petitioner as if he had sought for assignment of patta. However, the petitioner claims ownership



by virtue of the sale deed, dated 29.07.1948. The impugned order has been passed on the ground that the father of the petitioner was an erstwhile Government Servant and the petitioner is working as a Teacher in Government High School and therefore, the petitioner, being a Government Servant, is not entitled for assignment of patta.

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5. The learned Government Advocate appearing for the respondent would point out that on enquiry, it was found that the father of the petitioner was a erstwhile Government Servant and the petitioner has been working as a Teacher in Government High School and therefore, the claim of the petitioner was rejected.

6. On a clear reading of the impugned order, it is very clear that the representation of the petitioner was rejected on the ground that the father of the petitioner was an erstwhile Government Servant and the petitioner has been working as Teacher in Government High School and therefore, the petitioner is not entitled for the relief sought for. However, the fact remains that the petitioner has not sought for any assignment from the Government. What is sought for is only patta for the lands owned by him. Unfortunately, the respondent has not considered this aspect and he has passed such an erroneous order.

7. In view of the above, the impugned order, dated 08.08.2014, passed by the respondent is set aside and the matter is remitted back to the respondent, who shall give sufficient opportunity to the petitioner and thereafter pass appropriate orders within a period of four months from the date of receipt of a copy of this order.

8. The Writ Petition is allowed as indicated above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar

/True copy/

sub Assistant Registrar(c.s)

To

The Tahsildar,
Taluk Office, Thuraiyur Taluk,
Tiruchirappalli District.

+1cc to Special Government Pleader,
Madurai Bench of Madras High Court, Madurai in SR.No. 452

TS/14.02.2015/2P-3C

ORDER MADE IN
W.P. (MD) No.21484 of 2014
DATED - 06.01.2015