



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P. (MD) No. 2224 of 2011

WEB COPY

M.Sakkarai
Secretary,
A.R.Rahman Jumma Pallivasal,
Muthanendal Post,
Sivagangai District.

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Manamadurai Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus to direct the respondents to grant patta in favour of the petitioner for the land comprised in Survey No.335/1 in Vagudi Village, Muthanenthal, Sivagangai District by considering his representation dated 11.02.2011 within the stipulated period.

For Petitioner : Mr.V.Nirmal Kumar
for Mr.M.Ajmal Khan

For Respondents : Mr.S.Kumar
Additional Government Pleader

ORDER

The petitioner seeks for a Mandamus directing the respondents to grant patta in favour of the petitioner for the land comprised in Survey No.335/1 in Vagudi Village, Muthanenthal, Sivagangai District, by considering his representation dated 11.02.2011.

2. According to the petitioner, the subject matter land was allotted to the petitioner by the Revenue Inspector and the Village Administrative Officer for the purpose of constructing a mosque and a burial ground for the muslims of the village. Therefore, the petitioner seeks for grant of patta.



3. However in the counter affidavit filed by the Tahsildar, Manamadurai, it is stated that the land at Survey No.335/1 in Vagudi Village measuring to an extent of 0.74.0 Hectares is classified as Government Dry waste (vacant land) and it was not allotted to the petitioner to construct a mosque or burial ground by the competent Authorities. Therefore, it is contended that the petitioner cannot seek for grant of patta. Though it is stated so in the counter affidavit, the learned Government Advocate submitted that no formal order is passed and communicated to the petitioner so far on the presentation made by the petitioner seeking for grant of patta.

4. Therefore, without expressing any view on the rival contentions of the parties, I only direct the second respondent to pass orders on the representation of the petitioner and communicate the same within a period of four weeks from the date of receipt of a copy of this order. If the petitioner is aggrieved by the said order, it is open to him to challenge the same in the manner known to law.

5. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Manamadurai Taluk,
Sivagangai District.

+One cc to M/s.Ajmal Associates, Advocate, SR.No.72184

+One cc to The Special Government Pleader, SR.No.72219

ssl

RL/5C/SKS/RR/31/12/2015

W.P. (MD) No.2224 of 2011