



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2015

C O R A M

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD) No.17139 of 2013

and

M.P(MD)No.1 of 2013

G.Ilango

... Petitioner

Vs.

1. The District Collector,
Theni District,
Theni.

2. The Tahsildar,
Aundipatti Taluk,
Theni District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents consider the petitioner's representation, dated 23.09.2010 and 27.12.2010 and implement the order, dated 09.09.2009 in A.S.No.82 of 2008 on the file of the Sub-Court, Theni and carry out the mutation proceedings in the revenue records.

For petitioner : Mr.T.Srinivasa Raghavan

For Respondents : Mr.M.Murugan

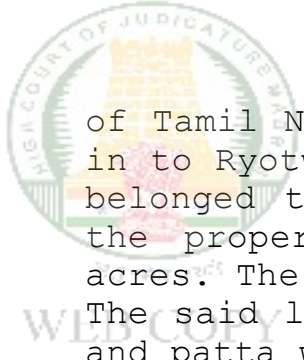
Government Advocate

ORDER

The petitioner has filed this writ petition for a writ of Mandamus, directing the Respondents consider the petitioner's representation, dated 23.09.2010 and 27.12.2010 and implement the order, dated 09.09.2009 in A.S.No.82 of 2008, on the file of the Sub-Court, Theni and carry out the mutation proceedings in the revenue records.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3.According to the petitioner, he is owner of the land in Kadamalaikundu Village, Aundipatti Taluk, Theni District. Originally, the said village was part of Gandamanaickanur Zamin notified and taken over by the Government



of Tamil Nadu under Tamil Nadu Estates (Abolition and Conversion in to Ryotwari), Act 26 of 1948. During Zamin period, the land was belonged to one Subba Naicker. The petitioner's mother purchased the property from Subba Naicker measuring to an extent of 11 acres. The petitioner inherited the said property from his mother. The said land was included in the Forest Notification, by mistake and patta was not granted.

4.The petitioner made a claim before the Forest Settlement Officer. The Forest Settlement Officer, by proceedings dated 11.02.1985, in R.O.C.No.553 of 1979, deleted the land from the forest notification and the same was published in the Gazette notification on 06.08.1988. The Revenue Department did not register the petitioner's name in the Revenue records. Therefore, the petitioner has filed O.S.No.78 of 2004 on the file of the District Munsif Court, Aundipatti, for declaration and injunction against the first respondent. The District Munsif, Aundipatti granted injunction and dismissed the suit for declaration. Against the said judgment and decree, the petitioner filed an appeal before the Sub Court, Theni, in A.S.No.82 of 2008. The learned Sub Judge allowed the appeal and declared his title to the property and confirmed the injunction granted by the lower Court. Against the said judgment and decree, the first respondent has not filed any appeal. The said judgment and decree has become final.

5.The petitioner has given various representations to the respondents for issuance of patta based on the judgement passed by the Civil Court, in A.S.No.82 of 2008. The respondents did not pass any orders on the representations. Hence, the petitioner has filed the present writ petition for above stated relief.

6.Considering the relief sought for by the petitioner, without expressing any opinion on the merits of the case, the respondents are directed to consider the petitioner's representation, dated 27.12.2010 and pass orders on merits and in accordance with law, in the light of the judgement and decree passed in A.S.No.82 of 2008 and proceedings of the Forest Settlement Officer, Usilampatti, dated 11.02.1985, within a period of three months from the date of receipt of a copy of this order.

7.With the above direction, the writ petition is disposed of. No Costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/



To

1. The District Collector,
Theni District,
Theni.

2. The Tahsildar,
Aundipatti Taluk,
Theni District.

+ 1 CC TO M/S.T.SRINIVASA RAGHAVAN, ADVOCATE IN SR NO. 48850
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 49187

AM

TE/AN-MP/LIB 01/10/2015 3P/5C

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