

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24488/2016

Mr.C.Muthusamy

..Petitioner

Versus

1.the District Collector
Collectorate, Salem District.

2.The Revenue Divisional Officer
Mettur Revenue Division,
Salem District.

3.The Tahsildar
Mettur Taluk, Salem District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents herein to grant the patta for the land measuring an extent of 24 sq.meters comprised in Survey No.651/14, an extent of 45 sq. meters comprised in Survey No.653/3 and another extent of land measuring 21 sq. metres comprised in Survey No.653/4 of Mallikumdam Village, Mettur Taluk, Salem District, totalling to an extent of 90 sq. metres land by treating the petitioner as absolute owner in terms of judgment and decree dated 13.08.2015 made in OS.No.111/2014 on the file of District Munsif, Mettur by disposing the petitioner's representation dated 21.09.2015.

For Petitioner : Mr.Adithya Reddy

For RR 1 to 3 : Mr.R.Govindasamy, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner claims to be the successor in interest of the lands admeasuring to an extent of 90 sq.m. in Survey Nos.651/4, 653/3 and 653/4 at Mallikundam village, Mettur Taluk, Salem District. He would further state that he filed a suit in OS.No.111/2014 on the file of the Court of District Munsif, Mettur, against the District Collector, Salem, Revenue Divisional Officer, Mettur and the Tahsildar, Mettur, to declare that he is the absolute owner of the

property and also praying for mandatory injunction to make necessary entries in the revenue records as to the ownership and it was decreed as prayed for, on 13.08.2015 and no further challenge has been made to the said order. The petitioner, armed with the decree, has submitted a representation dated 21.09.2015 to the respondents praying for issuance of patta in respect of the said lands and since no orders have been passed, the petitioner has come forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that in terms of Rule 10 of the Tamil Nadu Patta Passbook Act, 1983, the respondents are under mandate to issue patta and hence, prays for appropriate orders.

4 This Court heard the submissions of Mr.R.Govindasamy, learned Special Government Pleader who accepts notice on behalf of the respondents.

5 Though the petitioner has prayed for a larger relief, this Court, taking into consideration the above facts and circumstances and without going into the merits of the same, permits the petitioner to submit one more representation to the 3rd respondent along with a copy of this order as well as the copy of the earlier representation within a period of two weeks from the date of receipt of a copy of this order and the 3rd respondent, on receipt of the same, is directed to consider the said representation in accordance with law and pass orders within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner.

6 The writ petition is disposed of with the above direction and observation. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Collectorate, Salem District.

2.The Revenue Divisional Officer
Mettur Revenue Division,
Salem District.

3.The Tahsildar
Mettur Taluk, Salem District.

+2ccs to Mr.Adithya Reddy, Advocate, S.R.No.39785, 40495
+1cc to the Government Pleader, S.R.No.40211

GJ(CO)
EU(03/08/2016)

W.P.No.24488/2016



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