

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.44000 of 2016

P. Raju

.. Petitioner

vs.

1. The District Collector
Neelagiri
Neelagiri District.

2. The Revenue Divisional Officer
Gudalur
Neelagiri District.

3. The Tahsildar
Pandalur Taluk
Neelagiri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the 3rd respondent to grant patta in respect of the 2 acres of land situated in New Survey No.1727/2 Nilliyalam Village, Pandalur Taluk, Neelagiri District as per the direction of the 2nd respondent dated 17.08.2016 and pass further orders.

For Petitioner : Mr. L. Chandrakumar
for Mr. K.K. Ramakrishnan

For Respondents: Mr. P.V. Selvakumar,
Addl. Govt. Pleader for R1 to R3

ORDER

Mr. P. V. Selvakumar, learned Additional Government Pleader takes notice for respondents. Considering the limited prayer sought by the petitioner, the writ petition is disposed of, at the stage of admission itself, with the consent of both the parties.

2. The petitioner has filed this writ petition seeking to direct the 3rd respondent to grant patta, in respect of the 2 acres of land situated in New Survey No.1727/2 Nilliyalam Village, Pandalur Taluk, Neelagiri District, as directed by the 2nd respondent in his letter dated 17.08.2016.

3. Material on record discloses that the petitioner's father was in possession of the subject property, by planting Tea and other plantations. Whiles, the District Forest Officer destroyed the Tea Plantation and dispossessed the petitioner's family from the property. Against the same, a suit was filed in O.S. No.101 of 1987 and the suit was decreed in favour of the petitioner's father. Based on the order dated 14.10.1993 in E.P. No.22 of 1988, the possession was handed over to the petitioner's father. Thereafter, CRP No.425 of 1995 was filed by the first respondent and the same was dismissed on 18.12.1998. Due to the above, the application seeking for patta, has not been considered by the respondents. After the demise of the petitioner's father, the petitioner is repeatedly submitting applications, from 2012 for issue of patta for the subject property but the respondents have not considered the claim of the petitioner. Hence, the petitioner is before this Court.

4. Learned counsel for the petitioner submitted that possession of the subject property was made, based on the orders of the civil court and so the third respondent is duty bound to consider his request for grant of patta. Further, the representation of the petitioner dated 21.03.2016 has been considered by the respondents 1 and 2 and they have directed the 3rd respondent to conduct enquiry and consider the said request. However, the 3rd respondent has not taken any steps to consider the application of the petitioner for grant of patta.

5. Learned Additional Government Pleader submitted that if the said application submitted by the petitioner is in order, the third respondent will certainly consider the same, in accordance with law.

6. Heard learned counsel for the petitioner and learned Additional Government Pleader for the respondents and perused the material available on record.

7. Considering the facts and circumstances of the case and in view of the submission of the learned Additional Government Pleader, the 3rd respondent is directed to consider the application dated 09.08.2016 of the petitioner, which has been forwarded by the 2nd respondent on 17.08.2016, on merits and in accordance with law, as expeditiously as possibly, preferably

within a period of twelve weeks from the date of receipt of a copy of this order.

8. The Writ Petition is disposed of, on the above terms. No costs.

Sd/-
Assistant Registrar(CO)

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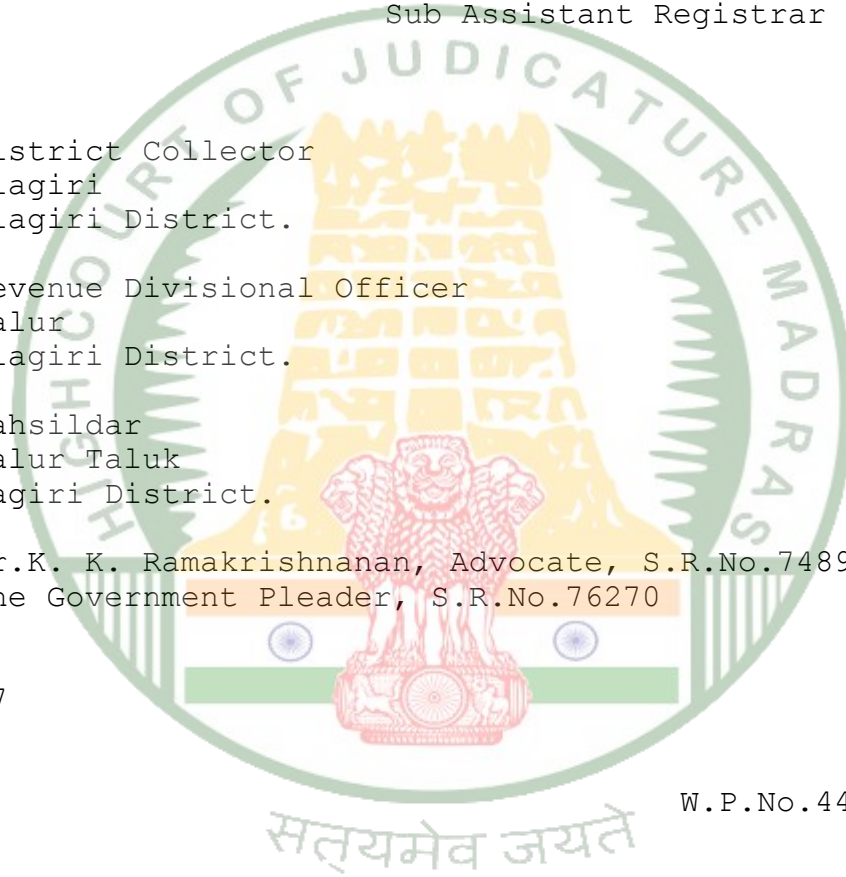
Sub Assistant Registrar

avr
To

1. The District Collector
Neelagiri
Neelagiri District.
2. The Revenue Divisional Officer
Gudalur
Neelagiri District.
3. The Tahsildar
Pandalur Taluk
Neelagiri District.

+1cc to Mr.K. K. Ramakrishnanan, Advocate, S.R.No.74895
+1cc to the Government Pleader, S.R.No.76270

PPA(CO)
EU 07.2.17



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