



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2016

CORAM

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THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P.(MD) No.10020 of 2016

T.Ayyamperumal

.. Petitioner

vs.

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Tahsildar,
Aavudaiyar Kovil Taluk,
Pudukottai District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Respondents to consider the Petitioner's representation, dated 07.04.2016 and to issue patta in Petitioner name in respect of the land in Survey Number 56/2-A of an extent of 0.87.0 Hectares in Rajakumarambal Pudupattinam hamlet with in the jurisdiction of No.77, Nattanipurasakudi revenue village, Aavudayarkovil Taluk, Pudukkottai District.

For Petitioner : Mr.M.Karthikeyavenkitachalapathy

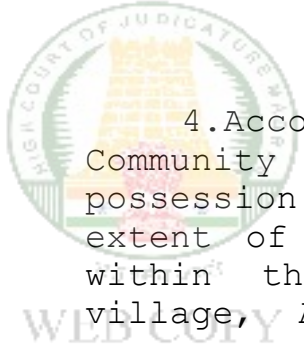
For Respondents : Mr.J.Gunaseelanmuthiah
Government Advocate

O R D E R

The Petitioner has preferred the instant writ petition praying to direct the Respondents to consider the Petitioner's representation, dated 07.04.2016 and to issue patta in his name in respect of the land in Survey Number 56/2-A of an extent of 0.87.0 Hectares in Rajakumarambal Pudupattinam hamlet within the jurisdiction of No.77, Nattanipurasakudi revenue village, Aavudayarkovil Taluk, Pudukkottai District.

2.Heard the Learned counsel for the Petitioner and the Learned Government Advocate appearing for the Respondents.

<https://hcservices.ecourts.gov.in/hcservices/>
3.By consent, the writ petition is taken up for final disposal.



4. According to the Petitioner, he belongs to a Fisherman Community (Economically weaker section community) and he is in possession and enjoyment of the land in Survey No.56/2-A of an extent of 0.87.0 Hectares in Rajakumarambal Pudupattinam hamlet within the jurisdiction of No.77, Nattanipurakudi revenue village, Aavudayarkovil Taluk, Pudukkottai District.

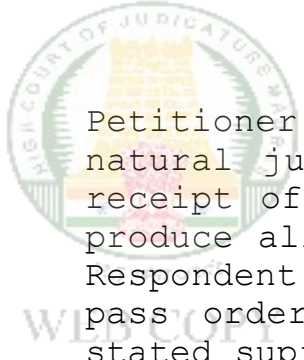
5. Even prior to the year 1994, the land in question is in his possession for several years. He had cultivated the land by planting coconut trees and till now, he is maintaining and enjoying the yield from the trees. He has paid the Land Revenue to the Government and he is in possession and enjoyment of the land.

6. The grievance of the Petitioner is that he had submitted a petition on 18.06.2010 before the First Respondent/District Collector, Pudukottai District, in respect of Commission of theft of Coconuts and that the First Respondent/District Collector had addressed a communication dated 27.07.2010, to the Inspector of Police, Mimisal, Aavudaiyarkovil Taluk and further more, a memo dated 10.10.2013, was issued by the office of the First Respondent/District Collector, Pudukottai addressed to the Tahsildar, Aavudaiyarkovil, whereby and where under, the petition dated 27.09.2013 of the Petitioner seeking issuance of patta was transmitted to him for taking necessary action and till date, no positive action has been taken by the authorities concerned.

7. At this juncture, the Learned counsel for the Petitioner brings it to the notice of this Court that the Petitioner on 07.04.2016 had addressed a representation to the First Respondent/District Collector, Pudukottai, whereby and where under he had sought for issuance of patta, in respect of the land in the subject matter in issue. Since there has been inaction on the part of concerned authority, the Petitioner is constrained to file the present writ petition.

8. In response, the Learned Government Advocate appearing for the Respondents brings it to the notice of this Court that the Petitioner's land is a 'Thoppu Poramboke' and as such, the request for issuance of patta as prayed for by him, cannot be granted by the authorities concerned.

9. Be that as it may, in view of the fact that the relief sought for by the Petitioner in the writ petition is only limited in nature, viz., to consider his representation, dated 07.04.2016, this Court at this stage, without expressing any opinion one way or other on the merits of the matter, simply directs the Second Respondent/Tahsildar, Aavudaiyarkovil, Pudukottai District, to honestly and seriously consider the representation of the Petitioner, dated 07.04.2016 and to pass a reasoned speaking order on merits with an open mind and in a dispassionate manner (ofcourse after providing necessary opportunities to the



Petitioner and others concerned by adhering to the principles of natural justice), within a period of six weeks from the date of receipt of a copy of this order. It is open to the Petitioner to produce all relevant documents/necessary records before the Second Respondent and the Second Respondent shall consider the same and pass orders in the subject matter in issue within the time as stated supra.

10. With the above observations and directions, the writ petition is disposed of. No costs.

Sd/
Assistant Registrar(W)

/True copy/

Sub Assistant Registrar

To:

1. The District Collector,
Pudukottai District, Pudukottai.

2. The Tahsildar,
Aavudaiyar Kovil Taluk,
Pudukottai District.

+1cc to Special Government Pleader in SR.No.28307

+1cc to M/s.M.Karthikeya Venkitachalapathy in SR.No.28447

SDR/SK-SKN/16.06.2016/3P/5C

W.P. (MD) No.10020 of 2016

07.06.2016