

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 10.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE **M.VENUGOPAL****W.P. (MD) No.10294 of 2016**

P.Thangarasu

... Petitioner

Vs.

1. The District Collector,
Trichy District.2. The Tahsildar,
Taluk Office,
Marungapuri Taluk,
Trichy District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 23.05.2016 and to issue patta in favour of the petitioner within a stipulated time fixed by this Court.

For Petitioner : Mr.A.Thiyagarajan

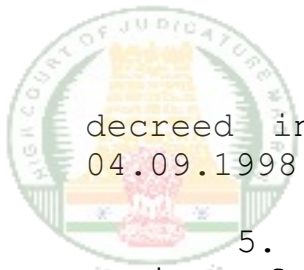
For Respondents : Mr.S.Kumar
Additional Govt. Pleader**O R D E R**

Heard both sides.

2. By consent, the main Writ Petition itself is taken up for final disposal.

3. The grievance of the petitioner is that his representation dated 23.05.2016 addressed to the second respondent/Tahsildar, Taluk Office, Marungapuri Taluk, Trichy District is still pending and not yet disposed of.

4. In this connection, it is the stand of the petitioner that the properties comprising in Survey Nos.92/2 and 96/1 of Vellaiyakonpatti Village, Marungapuri Taluk, Trichy District are ancestral properties and he filed O.S.No.481 of 1996 on the file of District Munsif Court, Manapparai, seeking the relief of partition of 2/3rd share in Survey Nos.92/2 and 96/1, separate possession and for recovery of the same. In fact, the suit was



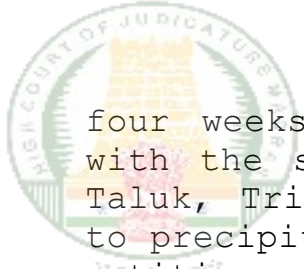
decreed in his favour by means of judgment and decree dated 04.09.1998.

5. The learned counsel for the petitioner brings it to the notice of this Court that the petitioner projected an Execution Petition in E.P.No.31 of 2006 on the file of trial Court and the said proceedings also ended in favour of the petitioner. That apart, the portions in B1, B2 and B3 in rough sketch of field map in Survey No.92/2 and the portions in B and C in Survey No.96/1 are allotted and delivered to him as his share. From the date of delivery, he is in possession and enjoyment of the said properties.

6. The grievance of the petitioner is that he has applied before the second respondent for issuance of patta in his favour. Also, he had filed a petition before the second respondent as early as on 12.12.2013 seeking issuance of patta in his favour. However, no tangible and effective steps were taken in the subject matter in issue by the concerned authorities.

7. Added further, the learned counsel for the petitioner brings it to the notice of this Court that when the petitioner had gone before the first respondent/ District Collector (when he was on camp) to present a petition regarding the issuance of patta in his favour, the Surveyor prevented and informed him that every process was completed and the Patta would be issued to him soon. Even after lapse of more than three months, no patta was issued to him. Consequently, the petitioner made a representation to the respondents on 23.05.2016, seeking issuance of patta in his favour. Till date, no steps have been taken. Hence, the petitioner has filed the present Writ Petition.

8. In view of the fact that the petitioner as early as on 12.12.2013, had presented a petition before the second respondent/ Tahsildar, Taluk Office, Marungapuri Taluk, Trichy District seeking issuance of patta in his favour and later on 23.05.2016, sent another representation to the respondents seeking issuance of patta in his favour and till date, the said petitions are pending without any progress in the subject matter in issue, at this stage, this Court, to prevent an aberration of justice and to promote substantial cause of justice, directs the second respondent/Tahsildar, Taluk Office, Marungapuri Taluk, Trichy District to immediately take up the said representations of the petitioner, dated 12.12.2013 and 23.05.2016 within a period of one week from the date of receipt of a copy of this order. After taking up the said representations, the second respondent/Tahsildar, Taluk Office, Marungapuri Taluk, Trichy District is to consider the same in all earnestness and to dispose of the same as soon as possible. The petitioner is directed to file a representation, by passing a speaking order on merits (by outlining the process of reasoning in a qualitative and quantitative fashion) in a dispassionate manner within a period of



four weeks thereafter. The petitioner is directed to co-operate with the second respondent/ Tahsildar, Taluk Office, Marungapuri Taluk, Trichy District and the second respondent is directed not to precipitate the matter any further and to do the needful to the petitioner without any further loss of time.

With the aforesaid directions, the Writ Petition stands disposed of. No costs.

Sd/
Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

1. The District Collector, Trichy District.
2. The Tahsildar, Taluk Office,
Marungapuri Taluk, Trichy District.

+1cc to Mr.A.Thiyagarajan, Advocate in SR.No.29692
+1cc to Special Government Pleader in SR.No.29757

SDR/DB/23.06.2016/3P/5C

W.P. (MD) No.10294 of 2016
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