



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.11647 of 2016

M.Kaliammal

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Aranthangi Taluk,
Pudukkottai District.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondent No.2 to issue a Patta to the extent of 3.41.5, 0.40.0 Ares bearing Survey No.35 situated at Nanjai Mangudi Village, Aranthangi Taluk, Pudukkottai District.

For Petitioner :Mr.M.Patturajan

For Respondents :Mr.S.Kumar

Addl. Government Pleader
for RR-1 & 2

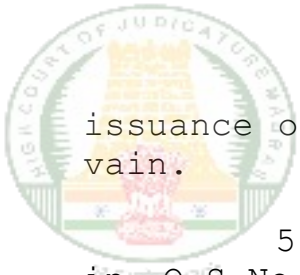
ORDER

Heard both sides.

2. By consent, the main writ petition itself is taken up for final disposal. No counter is filed.

3. According to the Petitioner, she is in possession of wet land bearing Sy.No.35, measuring about 3.41.5, 0.40.0 ares in door No.31, Mangudi Village, Poovattakudi Post, Aranthangi Taluk, Pudukkottai District. From the year 1987, she is in possession of the land and she is cultivating the said land ever since 30.09.1987. For every fasli, she had paid the amount demanded by the Government. As such, she is in possession and enjoyment of the land for the past 30 years.

4. The grievance of the petitioner is that she had approached the first and second respondents several times seeking



issuance of patta for the land in question. But, it all ended in vain.

5. It comes to be known that the petitioner filed a suit in O.S.No.2/1999 on the file of the Learned District Munsif, Aranthangi against one Shanmugam and Kumar, seeking a remedy not to disturb her family's peaceful possession and enjoyment of the property and on 31.03.2000, the trial Court granted injunction against the said Shanmugam and another and the trial Court clearly held that the plaintiffs in the aforesaid suit are in possession of the land and they should not be disturbed and permanent injunction was granted as prayed for. Since then, the petitioner, her brother Kannan and her aunty Kaliasammal are in possession and enjoyment of the property.

6. The petitioner made a representation to the first respondent in Jamapandhi, held on 21.05.2015 in Aranthangi Taluk Office, seeking for issuance of patta and till date, there is no reply. Added further, she sent a representation to the first respondent/District Collector, Pudukkottai, on 06.07.2015 and the second respondent/Tahsildar, Aranthangi Taluk, on 23.06.2015 and all her steps to obtain patta proved futile.

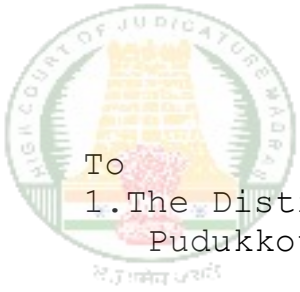
7. In as much as the representation dated 21.05.2015 addressed to the first respondent/ District Collector, Pudukkottai and the subsequent representation dated 23.06.2015 addressed to the second respondent/Tahsildar, Aranthangi Taluk, in the subject matter in issue, this Court, at this stage, without traversing upon the merits and contents of the two representations made, as stated supra, in the interest of Justice and Fair Play, directs the second respondent/ Tahsildar, Aranthangi Taluk, Pudukkottai District, to consider the representation of the petitioner, dated 23.06.2015 and to dispose of the same by passing a reasoned, speaking order on merits, within a period of 6 weeks from the date of receipt of a copy of this order (Of-course, after providing adequate opportunity to the petitioner and others concerned, if any, by adhering to the principles of Natural Justice), in the manner known to Law and in accordance with Law.

8. With the aforesaid observation(s) and direction(s), the writ petition stands disposed of.

Sd/-
Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar



To

1.The District Collector,
Pudukkottai District, Pudukkottai.

2.The Tahsildar,
Aranthangi Taluk, Pudukkottai District.

+1 CC to Mr.M.PATTURAJAN, Advocate, SR No.34613

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.34232

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VS

SH/GSV-PM:12.07.2016:3P/5C