



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 26.07.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P(MD)No.13116 of 2016

M.Kandasamy

..Petitioner

Vs

1.The Tahsildar,
Taluk Office,
Oddanchatram Taluk,
Dindigul District.

2.The Taluk Surveyor,
Taluk Office,
Oddanchatram Taluk,
Dindigul District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 and 2 to measure and demarcate the property in accordance with Law, comprised in S.No.450/1, measuring an extent of 6 Acres and 67 cents, which is situate at Jothipattu Village, Oddanchatram Taluk, Dindigul District by considering the representation, dated 9.3.2016.

For Petitioner : M/s.S.Siva Thilakar

For Respondents : Mr.S.Kumar
1 and 2 Addl.Govt.Pleader

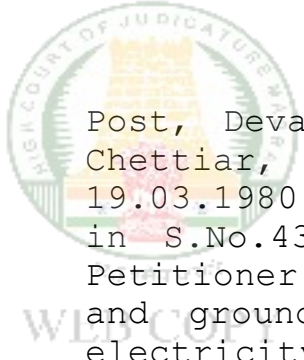
ORDER

Heard both sides.

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

3.No counter is filed on behalf of the Respondents.

4.According to the Petitioner, he had purchased the land in S.NOS..431/21, 431/29 and S.No.434/31, measuring an extent of 2 acres and 72 cents, situated at Pudukudiruppu, Shanmuganathapuram



Post, Devakkottai Taluk, Sivagangai District from one Manickam Chettiar, in the year 1980, by way of registered sale deed, dated 19.03.1980. Subsequently, the Petitioner had constructed a house in S.No.434/29 and in the remaining portion of the area, the Petitioner is doing agricultural activities like harvesting paddy and ground-nut, for which, he dug a well and obtained free electricity connection.

5.The stand of the Petitioner is that he is in peaceful possession and enjoyment of the property in question without any encumbrance therein, till date. Originally, the land in the aforesaid survey number was mentioned as Natham S.No.296 and after the UDR Scheme, the same was converted in S.Nos.434/21, 431/29 and S.No.434/31, measuring an extent of 2 acres and 72 cents situated at Pudhukudiruppu, Shanmuganathapuram Post, Devakkottai Taluk, Sivagangai District.

6.In fact, the Petitioner had addressed two representations, dated 11.4.2016 and 11.7.2016 to the First Respondent/The District Revenue Officer, Office of the District Revenue Officer, Sivagangai, Sivagangai District. But the same has not met with any positive response, till date. Therefore, the Petitioner has filed the present Writ Petition.

7.The grievance of the Petitioner is that the Respondents have granted patta insofar as S.No.434/24 is concerned and the remaining area was declared as a vacant site. In short, the two representations of the Petitioner seeks issuance of patta in his name.

8.Considering the fact that the Petitioner's representations, dated 11.04.2016 and 11.07.2016 have been pending before the First Respondent without any disposal or progress, at this stage, this Court, in the interest of justice and fair play, directs the First Respondent to look into the representations of the Petitioner, dated 11.4.2016 and 11.7.2016 within a period of one week from the date of receipt of a copy of this order. Thereafter, the First Respondent/The District Revenue Officer, Office of the District Revenue Officer, Sivagangai, Sivagangai District is directed to pass a reasoned speaking order on merits, in a free, fair and dispassionate manner(of course after providing necessary opportunity to the Petitioner and others concerned, if any, by adhering to the principles of natural justice in true letter and spirit) within a period of three weeks thereafter. It is open to the Petitioner to produce copies of all necessary/relevant documents before the First Respondent and who in turn shall take into consideration of the same at the time of disposal of the representations of the Petitioner, dated 11.4.2016 and 11.7.2016. The First Respondent is directed to lend his assistance and co-operation to the First Respondent in disposing of his representations, dated 11.04.2016 and 11.07.2016



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

Sd/-

Assistant Registrar(W)

/True copy/

Sub Assistant Registrar

To

1. The District Revenue Officer,
Office of the District Revenue Officer,
Sivagangai, Sivagangai District.

2. The Tahsildar,
Devakkottai, Sivagangai District.

+1 cc to M/s.S.Siva Thilakar, Advocate in SR.No.39356

+1 cc to The Special Government Pleader in SR.No. 39420

vsn

CSL/ARK-PV/02.08.2016 :3p/5c

W.P(MD)No.13116 of 2016

26.07.2016