



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)Nos.15781 & 15782 of 2016
and
W.M.P (MD)No.11575 of 2016

S.Vijayaragavan ...Petitioner in both W.P's
Vs.

1.The District Collector,
Collectorate,
Tamil University Road,
Thanjavur.

2.The Revenue Divisional Officer/Sub-Collector,
Kumbakonam,
Thanjavur District.

3.The Tahsildar,
Papanasam Taluk,
Thanjavur District.

4.The Raghunathapuram Village Panchayat,
Rep. Through its President,
Raghunathapuram, Papanasam Taluk,
Thanjavur District.

...Respondents in both W.P's

Prayer in W.P(MD)No.15781 of 2016:- Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents their men or agents from in any manner interfering with the petitioner's land covered under 06.03.1975 sale deed registered as Document No.854/1975, Papanasam Sub-Registrar Office and situated in Survey No.142A/1 (presently alleged Survey No.142A/3) of Ragunathapuram Village, Papanasam Taluk, Thanjavur District or put up any construction in it and for other suitable orders.

Prayer in W.P(MD)No.15782 of 2016:- Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second and third respondents to grant patta to the petitioner in respect of his land covered under 06.03.1975 sale deed registered as Document No.854/1975, Papanasam Sub-Registrar Office and situated in Survey No.142A/1 (presently alleged Survey No.142A/3) of No.5, Ragunathapuram Village, Papanasam Taluk, Thanjavur District as per the petition,



For Petitioner
(in both W.P's)
For Respondents
(in both W.P's)

: Mr.H.Lakshmi Shankar
: Mr.J.Gunaseelan Muthiah
Government Advocate

WEB COPY

COMMON ORDER

W.P(MD)No.15781 of 2016 is filed for issuance of a Writ of Mandamus forbearing the respondents, their men or agents from in any manner interfering with the petitioner's land covered under sale deed dated 06.03.1975 registered as Document No.854/1975, Papanasam Sub-Registrar Office and situated in Survey No.142A/1 (presently alleged Survey No.142A/3) of Ragunathapuram Village, Papanasam Taluk, Thanjavur District or put up any construction in it.

2.W.P(MD)No.15782 of 2016 is filed for issuance of a Writ of Mandamus seeking a direction to the second and third respondents to grant patta to the petitioner in respect of his land covered under 06.03.1975 sale deed registered as Document No.854/1975, Papanasam Sub-Registrar Office and situated in Survey No.142A/1 (presently alleged Survey No.142A/3) of No.5, Ragunathapuram Village, Papanasam Taluk, Thanjavur District as per the petition, dated 19.12.2013.

3.Heard Mr.H.Lakshmi Shankar, learned counsel for the petitioner and Mr.J.Gunaseelan Muthiah, learned Government Advocate for the respondents.

4.According to the petitioner, the land in dispute is classified as 'Natham' land and his father has purchased the property by means of a registered sale deed, dated 06.03.1975 and they are in possession and enjoyment of the same from the date of purchase. However, during the Natham Settlement Scheme, he failed to obtain patta in his name. But, subsequently, he applied for patta before the second respondent and on receipt of the above application, the second respondent has also directed the Tashildar, Papanasam, to conduct an enquiry and submit his report by proceedings, dated 21.12.2013. Thereafter, no order has been passed in his application and the same is still pending before the second respondent.

5.It is submitted by the learned counsel for the petitioner that the respondents are taking steps to put up superstructures and they are also proposed to put up girls hostel in the above place.

6.The learned counsel for the petitioner further submitted <https://hcc.mca.gov.in/services/> of other adjacent properties of his father, patta has been issued in his favour. So far as the land in dispute alone, his application is pending.



7.The learned Government Advocate appearing for the respondents would submit that the land is classified as 'Natham' and no patta has been issued in his favour and the application is still pending with the second respondent and they will consider and pass suitable orders. However, the above land is remained vacant and the petitioner is not in possession of the land and the respondents are proposed the put up girls hostel in the above disputed land.

8.Considering the above submissions made on either side, without going into the merits of the case, since the petitioner's application for grant of patta is still pending with the second respondent from the year 2013, the second respondent is directed to conduct an enquiry, after issuing notice of hearing to all the parties concerned and pass suitable orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of the copy of this order. Till the order is passed by the second respondent, the respondents should maintain status quo as on date.

9.With the above directions, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar(CS)

To

1.The District Collector, Collectorate, Tamil University Road, Thanjavur.

2.The Revenue Divisional Officer/Sub-Collector, Kumbakonam, Thanjavur District.

3.The Tahsildar, Papanasam Taluk, Thanjavur District.

4.The President Raghunathapuram Village Panchayat, Raghunathapuram, Papanasam Taluk, Thanjavur District.

+2cc to Mr.H.Lakshmi Shankar, Advocate in SR.55911 & 55912

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