



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.16066 of 2016

L.Edison Fernando

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Koramballam,
Tuticorin.

2.The Tahsildar,
Taluk Office,
Tuticorin -3.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus directing the 2nd Respondent to issue a patta pass book in favour of the Petitioner to his property at plot No.33, in survey number:185/21 situated at Mappillaiurani village, Tuticorin District, on the basis of his representation, dated 02.08.2016.

For Petitioner	: Mr.B.N.Raja Mohamed
For Respondents	: Mr.J.Gunaseelan Muthaiah, Government Advocate

O R D E R

Heard both sides. By consent, the main Writ Petition itself is taken up for final disposal. No counter-affidavit is filed on behalf of the Respondents.

2. According to the Petitioner, he is in absolute possession and enjoyment of the property at Plot No.33 in Survey No.185/21 situated at Mappillaiurani Village, Tuticorin District, from 28.08.2015 onwards.

3. As a matter of fact, the afore stated property was purchased by his father Late.Lourdu Samy Fernando from nine persons namely one Selvaraj and eight others. His father died on 26.05.2005. The Tuticorin Municipality had issued the Death Certificate on 17.06.2005 to the factum of death of his Father on 26.05.2005.



4. It comes to be known that the Petitioner's father left behind the Petitioner, his mother Jeyarani Fernando and his sister Susila Fernando, as legal heirs. His mother Jeyarani Fernando and his sister Susila Fernando had executed a partition deed in his father by relinquishing their portion in the property at Survey No.185/21 in his favour, by means of Registered document No.2778/2015 on the file of the Sub-Registrar, Keelur, Tuticorin. There is no patta passbook issued in respect of the property in question. He had now applied for issuance of patta in his name through a representation, dated 02.08.2016, which was received by the Respondent on 03.08.2016. Hence, he has filed the present Writ Petition.

5. At this stage, it is represented on behalf of the Respondents-1 and 2 that the Petitioner has to address the proper Authority namely Additional Chief Secretary-cum-Commissioner of Land Administration, Government of Tamil Nadu, Fort Saint George, Chennai-9 and in fact, the representation, dated 02.08.2016 addressed to the Second Respondent is not a proper one.

6. Considering the fact that the Petitioner is to address to the proper Authority in the subject matter in issue for redressal of his grievance, this Court, at this stage, without going into the merits and contents of the representation of the Petitioner, dated, 02.08.2016, simply directs the Petitioner to approach the Additional Chief Secretary-cum-Commissioner of Land Administration, Government of Tamil Nadu, Fort Saint George, Chennai-9, within a period of two weeks from the date of receipt of a copy of this order and to seek proper remedy in the manner known to law and in accordance with Law, if he is so advised.

With the above said Direction(s)/Observation(s), this Writ Petition stands disposed of. No Costs.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector, Collectorate, Koramballam, Tuticorin.
- 2.The Tahsildar, Taluk Office, Tuticorin -3.

+1 cc to M/S.B.N.Raja Mohamed, Advocate in SR.No. 47798

+1 cc to The Special Government Pleader in SR.No. 48104

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