



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 03.10.2016

Coram

THE HON'BLE MR.JUSTICE **V.BHARATHIDASAN**

Writ Petition (MD)No.17399 of 2016

T.Subbiah

...Petitioner

-Vs-

1.The Sub Collector,
Thoothukudi,
Thoothukudi District

2.The Tahsildar,
Srivaikundam,
Thoothukudi District.

3.The Village Administrative Officer,
Deivaseyalpuram,
Ellanaickenpatti Post,
Srivaikundam Taluk,
Thoothukudi District.

4.S.Kenga Naicker

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 08.09.2016 and to issue patta in the name of the petitioner's family members.

For petitioner

:Mr.S.Sundarapandian

For respondents

:Mr.K.P.Krishnadoss

Government Advocate for RR-1 to 3

No appearance for R-4

ORDER

The petitioner has filed this writ petition, seeking a direction, directing the respondents 1 to 3 to consider the petitioner's representation dated 08.09.2016 and to issue patta in the name of the petitioner's family members.

2.According to the petitioner, an extent of 3½ cents in Sy.No.113/31, at Deivaseyalpuram village in Srivaikundam Taluk, Thoothukudi District belongs to the father of the petitioner. The fourth respondent, who is a resident of the same village, whose grandfather's name was also Thatha Naicker, by using the similarity in the name, transferred patta in his favour. Subsequently, the District Collector cancelled the patta granted in favour of the fourth respondent. Against the order of the District Collector, the fourth respondent has not filed any appeal



till date. Thereafter, the petitioner approached the second respondent and made an application for transfer of patta and the said application is pending.

3. Even after receipt of notice and printing the name in the cause-list, none represents the fourth respondent.

4. Since the application of the petitioner is pending with the second respondent for a long time, without going into the merits of the case, the second respondent is directed to dispose of the petitioner's application, dated 08.09.2016 and pass orders, after issuing notice to the fourth respondent, the petitioner and the first respondent, on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

5. Accordingly, this writ petition is disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1. The Sub Collector, Thoothukudi, Thoothukudi District

2. The Tahsildar, Srivaikundam, Thoothukudi District.

3. The Village Administrative Officer,
Deivaseyalpuram, Ellanaickenpatti Post, Srivaikundam Taluk,
Thoothukudi District.

+1 CC to Mr.S.SUNDARAPANDIAN, Advocate, SR No.58236

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.58261

W.P. (md) .NO.17399 of 2016
03.10.2016

VS

SH/SKS-RR:16.11.2016:2P/6C