



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 01.08.2016

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P(MD)No.7943 of 2016

Gopalakrishnan Nair

... Petitioner

Vs

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.

4.Muthiah

... 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 to 3 to consider the Petitioner's representation, dated 10.12.2015 and to conduct proper enquiry in respect to the issuance of joint Patta No.1297 in S.287/2 of Sivasailam Village, Ambasamudram Taluk, Tirunelveli District, by considering the Civil Court Decree and remove the name of Muthaiah, the 4th Respondent herein from the Joint patta as he has no right or locus standi to retain his name in the joint patta.

For Petitioner : Mr.K.Balasubramani

For Respondents : Mr.V.Muruganandam
(R1 to R3) Addl.Govt.Pleader

For Respondent (R4) : No Appearance

ORDER

Heard the Learned Counsel for the Petitioner and the Learned Additional Government Pleader for Respondent Nos.1 to 3.

2. Although on behalf of Respondent No.4, the Learned Counsel had filed Vakalat, today, there is no appearance on behalf of Respondent No.4, either in person or through Learned Counsel.

<https://hcservices.ecourts.gov.in/hcservices/>

3. According to the Petitioner, his prayer in the Writ Petition is only limited in nature viz., for passing of an order by this Court in



directing the Respondents 1 to 3, to consider his representation, dated 10.12.2015 and to conduct proper enquiry in respect of issuance of joint Patta, bearing No.1297 in S.No.287/2 of Sivasailam Village, Ambasamudram Taluk, Tirunelveli District, by considering the Civil Court Decree in O.S.No.204 of 1988 and to remove the name of Fourth Respondent viz., Muthaiah, from the Joint patta, since he has no right or *locus standi* to retain his name in the joint patta.

4. At this juncture, the Learned Counsel appearing for Respondent Nos.1 to 3 brings it to the Notice of this Court that pursuant to the Representation of the Petitioner, dated 10.12.2015, the District Revenue Officer, Tirunelveli, had issued an enquiry notice, on 05.07.2016, in Ref.No.ஆ2/சீ.ம.எண்.75/2015, dated 5.07.2016, requiring the Petitioner and the Fourth Respondent to appear on 22.07.2016, at about 4.00 p.m., and further the parties were informed to appear either in person or through Advocate, without fail. That apart, the parties were informed that, if they failed to appear on the aforesaid date and time, then, it would be construed that they are nothing to submit and based on available documents, a final decision would be taken, in the subject matter in issue.

5. Apart from the enquiry Notice, dated 05.07.2016, issued by the District Revenue Officer, Tirunelveli, addressed to the Petitioner and the Fourth Respondent, in the subject matter in issue, the Learned Counsel for the Petitioner is not in a position to appraise this Court about the development / subsequent development / present stage at which the matter stands at present.

6. Considering the fact that the Petitioner's representation, dated 10.12.2015, in the subject matter in issue, was attended to by the District Revenue Officer, Tirunelveli and pursuant to the same an enquiry notice was issued to the respective parties on 22.07.2016 at about 4.00 p.m., and also this Court is very much handicapped to know about the further detail / progress made in the enquiry, at this stage, this Court, without precipitating the matter any further and also not delving deep into the merits and contents of the representation of the Petitioner, dated 10.12.2015, simpliciter, in furtherance of substantial cause of justice, directs the District Revenue Officer, Tirunelveli, to complete the enquiry, in the subject matter in issue, within the period of four weeks from the date of receipt of a copy of this order (if not already completed), (of course after providing necessary opportunity to the Petitioner and others concerned, if any, by adhering to the principles of natural justice)

7. The petitioner and the Fourth Respondent are directed to render assistance and co-operation to the District Revenue Officer, Tirunelveli, so as to enable him to complete the enquiry, within the time determined by this Court, if not already completed. Further, The Petitioner and the Fourth Respondent are directed to furnish copies and relevant records / documents, if the District Revenue Officer, Tirunelveli, is in requirement of the same.



8. With the aforesaid observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/
Assistant Registrar(AE)

WEB COPY

/TRUE COPY/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The District Revenue Officer,
Tirunelveli.
3. The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.
4. The Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.

+1cc to M/S.R.J.Karthick, Advocate in SR.No.41418
+1cc to M/S.M.Karthikeya Venkitachalapathy, Advocate in SR.No.41129
+1cc to Special Government Pleader in SR.No.41243

W.P (MD) No.7943 of 2016
01.08.2016

MPK
PA/GSV-PM/09.08.2016/3P/8C