



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 02.06.2016

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P (MD) No.9681 of 2016

C.Gani

..Petitioner

Vs

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Tahsildar,
Kariapatti Taluk,
Kariapatti,
Virudhunagar District.

3. The President,
Village Panchayat,
V.Nangoor,
Kariapatti Taluk,
Virudhunagar 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 first respondent to instruct the second respondent to consider the representation dated 21.07.2015 submitted by Advocate on behalf of the Petitioner and in consequence to dispose of the first respondent's letter No.Na.Ka.Aa.2/711/2015, dated 28.07.2015 for issuing patta to the Petitioner's house in Survey No.179/1C.

For Petitioner : M/s.V.Muniasamy

For Respondents : Mr.S.Kumar
Addl.Govt.Pleader

ORDER

Heard both sides.

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

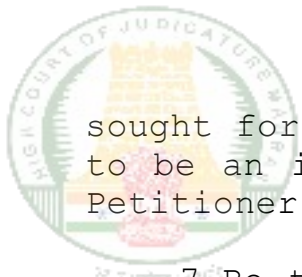


3. According to the Petitioner, he is residing in his own house bearing S.No.179/1C, V.Nangoor, Kariapatti Taluk, Virudhunagar District, for the past 15 years. Before constructing his house, he had resided in a mud wall roofed house for more than 50 years on the same house-site. Apart from that, his fore-fathers were staying in the same house for more than 100 years. As the house-site of the Petitioner's house is a 'Grama Natham' segregated for the benefit of the village people as per Section 3(16)(b)(19) of the Tamil Nadu Estate Land Act(1 of 1908). Hence the village panchayat permitted the Petitioner to built a house for his own use and accepted the house-tax. The third respondent issued the house-tax receipts during the year 1999 - 2014.

4. The primordial plea taken on behalf of the Petitioner is that the village house sites which is segregated as 'Grama Natham' or the portion upon which houses are constructed by the villagers are never set apart for the common use of the villagers like raising cattle shed, thrashing ground or for using it as a children park etc.

5. The Petitioner's legal notice, dated 21.7.2015 has not been considered by the authorities concerned and it appears that the Petitioner also sent a petition, dated 13.4.2015 to the first respondent seeking issuance of patta to his house and the same was taken on file by the first respondent vide No.KK/15/03795, dated 13.4.2015. Pursuant to the issuance of legal notice on behalf of the Petitioner, the first respondent had directed the second respondent through letter in Na.Ka.Aa.2/711/2015, dated 28.7.2015 to take a prompt action in the matter. However, till date, no action has been taken by the authorities concerned.

6. It is seen from the acknowledgement issued by the first respondent/The District Collector, Virudhunagar District that the Petitioner had made a request concerning the handing-over of land/assignment of land. However, in the legal notice issued by the Advocate on behalf of the Petitioner, the Petitioner had sought a relief of issuance of patta in respect of his dwelling house. In the said legal notice, there is a mention about the grievance petition, dated 25.10.2015 and 13.4.2015. Consequently, in the memo issued by the first respondent/The District Collector, Virudhunagar District dated 28.7.2015 at S.No.5, the name of the Petitioner is made mention of and the S.No.179/1C, V.Nangoor, Kariapatti Circle, was also mentioned and it is categorically stated in the relief portion that 'patta was sought for'. As such, this Court is of the considered view that the Petitioner at the earliest point of time, in the acknowledgement chit of the first respondent/The District Collector, Virudhunagar District, dated 28.7.2015, sought a relief of assignment of land/handing over of land and at later point of time, thought it fit to issue legal notice, dated 21.7.2015 through his Lawyer, wherein, he had



sought for issuance of patta for his dwelling house. There appears to be an inconsistency in regard to the relief sought for by the Petitioner.

7. Be that as it may, in view of the fact that the Petitioner in the present Writ Petition has only sought for a limited relief to consider the representation/legal notice dated 21.7.2015 (issued by his Advocate), this Court without going into the merits of the matter and also not expressing any view, one way or other, in the interest of justice, directs the second respondent/The Tahsildar, Kariapatti Taluk, Kariapatti, Virudhunagar District to look into the representation of the Petitioner, dated 13.4.2015 and the legal notice issued on his behalf by the Advocate concerned, dated 21.7.2015, in an unbiased and dispassionate manner and to pass a reasoned and speaking order on merits within a period of four weeks from the date of receipt of a copy of this order. The second respondent/The Tahsildar, Kariapatti Taluk, Kariapatti, Virudhunagar District can cause an enquiry with the Petitioner in person to find out exactly as to what kind of relief the Petitioner seeks and to do the needful to the Petitioner (of course by adhering to the principles of natural justice). It is open to the Petitioner to produce relevant copies of documents before the second respondent/The Tahsildar, Kariapatti Taluk, Kariapatti, Virudhunagar District and to seek redressal of his grievances.

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

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Collector, Virudhunagar District, Virudhunagar.
2. The Tahsildar, Kariapatti Taluk, Kariapatti, Virudhunagar District.
3. The President, Village Panchayat, V.Nangoor, Kariapatti Taluk, Virudhunagar District.

+1cc to Mr.V.Muniasamy, Advocate, Sr.No.27399

Vsn
JM/GSV-PM/SAR-III/02.06.2016/3P-5C