



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 24.09.2014
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WEB COPY

W.P. (MD) No.16119 of 2014

R.Mookayee

.. Petitioner

Vs

1. THE DISTRICT COLLECTOR,
MADURAI DISTRICT, MADURAI.

2. THE THASILDAR,
MELUR TALUK, MELUR,
MADURAI DISTRICT.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the 2nd respondent herein to consider the representation of the petitioner dated 29.03.2014 within a time frame fixed by this court.

For Petitioner ... Mr.R.Vijayakumar

For Respondents ... Mr.Rajaraman Government Pleader

ORDER

The petitioner seeks for issuance of a writ of Mandamus directing the 2nd respondent herein to consider the representation of the petitioner dated 29.03.2014.

2.By consent, the writ petition itself is taken up for final disposal.

3.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4. According to the petitioner, he has purchased the land in question under a registered sale deed dated 11.02.1981. When she approached the respondents for grant of patta, the petitioner was informed that the land belongs to one Subbiah Ambalam and he had donated the said land to Boothan Board. Therefore, the petitioner has filed a suit for declaration of title and for permanent injunction in O.S.No.179 of 2004 on the file of the Second Additional Sub Court, Madurai. It is submitted that the Special Officer of the Boothan Board is one of the defendants in the suit. The suit was dismissed by Judgment and decree dated 10.03.2006. Against which, the petitioner preferred an appeal before the Principal District Court, Madurai in A.S.No.5 of 2007 and the appeal was allowed and the suit was decreed as prayed for. Against which the respondents herein along with the State Boothan Board has filed second appeal in S.A.No.460 of 2012 before this Court. The said second appeal was dismissed by Judgment dated 03.12.2012 and thereafter, an application has been filed by the petitioner seeking grant of patta.



Since it has not been considered so far, the petitioner has approached this Court.

5. In the light of the above facts, without going into the merits of the contentions, there will be a direction to the second respondent to consider the representation made by the petitioner on merits and in accordance with law, after verifying all the records and if it is necessary calling for the records from the State Boothan Board and orders shall be passed within a period of three months from the date of receipt of a copy of this order.

6. The writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(T & P)

\\True copy\\

Sub Assistant Registrar

To

1. THE DISTRICT COLLECTOR,
MADURAI DISTRICT, MADURAI.
2. THE THASILDAR,
MELUR TALUK, MELUR,
MADURAI DISTRICT.

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