



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) No. 6714 of 2014

A.Sonaimuthu

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.

2. The Tahsildar,
Vadipatti Taluk,
Madurai District.

3. S.Gunabalan

... Respondents

R3 is impleaded vide Court order
dated 02.08.2017 in M.P.(MD).No.1 of 2014.

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to consider the petitioner's representation dated 12.02.2014 and thereby to issue patta to the land in extent of 10 cent in Survey No.75/5 situated at Achampatti Village, Vadipatti Taluk, Madurai District, within a time fixed by this Court.

For Petitioner	:Mr.V.Manikandan
For R1 & R2	:Mr.A.Muthukaruppan Additional Government Pleader
For R3	:Mr.G.Prabhu Raja Durai

ORDER

This Writ Petition is filed seeking for a direction to the second respondent to consider the petitioner's representation dated 12.02.2014 and thereby to issue patta to an extent of 10 cents in Survey No.75/5 situated at Achampatti Village, Vadipatti Taluk, Madurai District.

2.Mr.A.Muthukaruppan, learned Additional Government Pleader takes notice for the respondents. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.



3. According to the petitioner, in a partition deed dated 15.05.1979, 10 cents of lands were allotted to the petitioner in Survey No.75/5 at Achampatti Village, Vadipatti Taluk, Madurai District. Based on the documents, he gave representations to the second respondent on 09.04.2013 and 12.02.2014 for issuance of patta. Since no favourable order has been passed, the present writ petition.

4. Mr. G. Prabhu Rajadurai, learned counsel for the third respondent would submit that the land in Survey No.75/5 was allotted to third respondent's father in the year 1979. There was a family arrangement between the parties that the land situated on the southern side of the Well in Survey No.75/5 has been allotted to the family of the petitioner and northern side of the Well was allotted to the family of the third respondent. It is further submitted that pursuant to the order passed by the Revenue Divisional Officer, dated 12.01.2017 a measurement was taken out and the lands to an extent of 28 cents situated on the southern side of the Well, which were subdivided in S.No.75/5/B2, were allotted to the family of the petitioner and the lands to an extent of 1.40 Acres situated at northern side of the Well, which were subdivided in Survey No.75/5/B1, were allotted to the family of the third respondent.

5. Heard Mr. V. Manikandan, learned counsel for the petitioner, Mr. A. Muthukaruppan, learned Additional Government Pleader and Mr. G. Prabhu Rajadurai for the respondents and perused the records.

6. Considering the limited scope of the prayer sought for by the petitioner and the submissions of the learned counsel, this Court, without going into the merits of the matter, directs the second respondent to consider the representation of the petitioner, dated 12.02.2014 and pass appropriate orders on merits and in accordance with law, after providing opportunity of hearing to all the necessary parties, within a period of three months from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

<https://hcservice.ecourt.gov.in/> Collector,
Madurai District,
Madurai.



2. The Tahsildar,
Vadipatti Taluk,
Madurai District.

+1cc to Mr.G.Prabhu Raja Durai, Advocate Sr.No.71222
+1cc to Spl.Government Pleader Sr.No.71364

SSS/LS

VB/MR/KKR/SAR3/13/09/2017/3P/5C

W.P. (MD) No.6714 of 2014
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