



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2017

CORAM:

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P (MD) No.13770 of 2017

K.Ramasamy

: Petitioner

-Vs-

1. The District Collector,
District Collector Campus,
pudhukottai,
Pudhukottai District.
2. The District Revenue Officer,
District Collector Campus,
Pudhukottai,
Pudhukottai District.
- 3.The Revenue Divisional Officer,
O/o Revenue Divisional Office,
Pudhukottai,
Pudhukottai District.
4. The Thasildar,
Pudhukottai Taluk,
Pudhukottai.
5. The Special Tahsildar,
Town Survey and Land Settlement,
Pudhukottai.
6. The Commissioner,
Pudhukottai Municipality,
Pudhukottai.

: Respondents

PRAYER: Petition is filed under Article 226 of the Consitution of India, to issue a Writ of Mandamus, directing the Respondents 2 to 6 to conduct the enquiry and cancel the wrong sub-division and name transfer made in T.S.No.6092/1 at Block No.92, Pudhukottai and restore the same in the name of petitioner's mother Mookkayi and one Solayammal as well as original Patta holders within the time period stipulated by this Court.



For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.C.Selvaraj (For R1 to R5)
Special Government Pleader

Mr.P.Mahendran (For R6)

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O R D E R

This Writ Petition is filed seeking for the issuance of a Writ of Mandamus directing the respondents Nos.2 to 6 to conduct the enquiry and cancel the wrong sub-division and name transfer made in T.S.No.6092/1 at Block No.92, Pudhukottai and restore the same in the name of petitioner's mother, namely, Mookkayi and one Solayammal as well as original Patta holders.

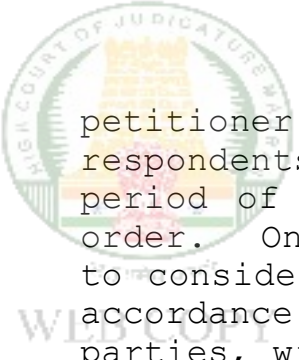
2.Mr.C.Selvaraj, learned Special Government Pleader takes notice for the respondent Nos.1 to 5 and Mr.P.Mahendran, learned counsel takes notice for 6th respondent. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3.The petitioner would claim that his mother, namely, Mookkayi and one Solayammal, W/o Rathinam, were enjoying the properties in T.S.No.6092/1 at Block No.92, Pudhukottai, Pudhukottai District for more than 30 years. The fifth respondent granted Patta in respect of the property on 27.08.2013 in favour of Mookkayi and Solayammal in Patta No.10469. Subsequently, sub-Division was effected without notice to the petitioner. Hence, he made representations to the respondents on 04.07.2017 and 15.07.2017. Since no action has been taken, the present writ petition is filed.

4.Mr.C.Selvaraj, learned Special Government Pleader would submit that Special Tahsildar/5th respondent herein has effected Sub-division, based on the order passed by the 6th respondent/the Commissioner, Pudhukottai Municipality, dated 02.12.2005. But the petitioner had not challenged the order.

5.In reply, the learned counsel appearing for the petitioner would submit that the petitioner sought copy of the order passed by the 6th respondent/Commissioner dated 02.12.2005 under the Right to Information Act, but it was replied stating that the order copy is not available. It is further submitted that though the order of the Municipal Commissioner was passed in the year 2005, the fifth respondent has granted Patta in favour of the petitioner in the year 2013.

<https://hcservices.court.gov.in/hcservices/> 6. On perusing the facts and circumstances of the case, without going into the merits of the claim made by the petitioner, the



petitioner is directed to send a fresh representation to the respondents 2 and 3 along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order. On such compliance, the respondents 2 and 3 are directed to consider the same and pass appropriate orders on merits and in accordance with law, after providing opportunity to all necessary parties, within a period of twelve weeks, therefrom.

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

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
District Collector Campus,
pudhukottai, Pudhukottai District.
2. The District Revenue Officer,
District Collector Campus,
Pudhukottai, Pudhukottai District.
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5. The Special Tahsildar,
Town Survey and Land Settlement,
Pudhukottai.
6. The Commissioner,
Pudhukottai Municipality, Pudhukottai.

+1 cc to Mr.P.Mahendran , Advocate in SR.No. 67831
+1 cc to Mr.T.Lajapathi Roy , Advocate in SR.No. 68028
+1 cc to The Special Government Pleader in SR.No.68695

rmk/skn

AE/KP/SAR3/09.08.2017/3P/10C