



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) No.13960 of 2017

WEB COPY

Gigi Joseph @ G.G.Joseph

...Petitioner

-Vs-

1.The District Collector,
Nagercoil,
Kanniyakumari District.

2.The District Revenue Officer,
Nagercoil,
Kanniyakumari District.

3.The Revenue Divisional Officer,
Nagercoil
Kanniyakumari District.

4.The Thasildar,
Thovalai @ Boothapandi,
Kanniyakumari District.

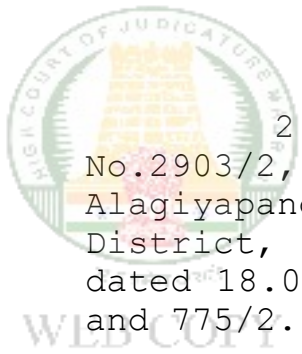
...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing 4th respondent to issue patta to the petitioner in respect of the property in Survey No. 775/2 (comprised in Survey No.775/1) to the extent of 6.54 acres of Alagiyapandiyapuram Village Group, Thovalai Taluk, Kanniyakumari District by considering the petitioner's representation dated 02.11.2015 in view of the judgment in O.S.No.52 of 1985 dated 24.03.1987 on the file of the Subordinate Judge, Nagercoil.

For Petitioner	: Mr.V.Kannan
For Respondents	: Mr.A.Muthukaruppan, Additional Government Pleader

ORDER

The petitioner has come up with the Writ Petition for issuance of a Writ of Mandamus, directing the 4th respondent to issue patta to the petitioner in respect of the property in Survey No. 775/2 (comprised in Survey No.775/1), based on the petitioner's representation dated 02.11.2015.



2.The petitioner would submit that in old Survey No.2903/2, 2903/2-1 and 2903/2-3 to the extent of 46.52 acres in Alagiyapandiyapuram Village Group, Thovali Taluk, Kanyakumari District, was purchased by the K.C.Joseph, by virtue of sale deed dated 18.03.1961. The land was given new number Survey Nos.775/1 and 775/2. The patta was also issued in favour of K.C.Joseph.

3.The petitioner would submit that the original owner instituted a suit in O.S.No.52 of 1985 before the Sub Court, Nagercoil for declaration that he is the absolute owner of the property. After trail, suit was decreed. Since no further appeal was filed the judgement in O.S.No.52 of 1985, has become final.

4.The petitioner would further submit that on 15.11.1994 he purchased the property from the said K.C.Joseph and thereafter he submitted an application on 02.11.2015 for issuance of patta. Since no order was passed, the present Writ petition is filed.

5.Heard both sides and perused the materials available on record.

6.Mr.Muthukaruppan, the learned Additional Government Pleader appearing for the respondents would submit that the fourth respondent has already issued a notice, dated 05.05.2016 and he conducted an enquiry.

7.Considering the facts and circumstances of the case and the submissions made by the both counsels, the fourth respondent is directed to consider the representation of the petitioner dated 02.11.2015 and pass appropriate orders on merits and in accordance with law, after providing opportunity to the necessary parties, within a period of eight weeks from the date of receipt of copy of this order.

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

Sd/-
Assistant Registrar

/ True Copy /

Sub Assistant Registrar(C.S.)

To

1.The District Collector,
Nagercoil,
Kanniyakumari District.

2.The District Revenue Officer,
Nagercoil,
Kanniyakumari District.



3.The Revenue Divisional Officer,
Nagercoil
Kanniyakumari District.

4.The Thasildar,
Thovalai @ Boothapandi,
Kanniyakumari District.

+1cc to M/S.V.KANNAN, Advocate SR.No.68100

+1cc to Special Government Pleader, SR.No.68908

gns/dsk

MAS/AV-AAM/SAR3:02.08.2017:3P-7C

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