



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2017

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WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P. (MD) No.17374 of 2017**

R.Palaninathan

... Petitioner

-vs-

1. The District Collector,
Sivagangai District,
Collectorate Campus,
Sivagangai-630 562.

2. The Revenue Divisional Officer,
Sivagangai Revenue Division,
Sivagangai (PO),
Sivagangai-630 561.

3. The Tahsildar,
Sivagangai Taluk Office,
Justice Rajasekaran Road,
Sivagangai-630 561.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to issue patta in the name of the petitioner for the 58 cents of land situated in the western side portion of S.No.2/5 of Vallaneri @ Alagapuri Village in Alankulam Group of Sivagangai Taluk, more fully described in the representation dated 28.02.2015.

For Petitioner : Mr.S.P.Maharajan

For Respondents : Mr.M.Alagathevan
Spl. Govt. Pleader

ORDER

This writ petition has been filed by the petitioner, seeking a direction to the respondents 1 to 3 herein to issue patta in the name of the petitioner for the 58 cents of land situated in the western side portion of S.No.2/5 of Vallaneri @ Alagapuri Village in Alankulam Group of Sivagangai Taluk, more fully described in the representation dated 28.02.2015.

<https://hcservices.ecourts.gov.in/hcservices/>

2. Heard the learned counsel on either side.



3. It is the case of the petitioner that his mother had purchased 10 acres and 12 cents from one Narayanan Chettiar on 30.10.1956 and the Government had declared 1 acre and 58 cents belonging to one Kamakshi, as Government Assessed Waste on account of non obtaining of patta and the petitioner fenced 58 cents of the said property for promoting a garden. Subsequently, the son of Kamakshi filed a suit in O.S.No.324 of 1983 before the District Munsif Court, Sivagangai against the petitioner and his brother seeking for the relief of declaration in respect of 1 acre and 58 cents, which came to be dismissed and the appeal preferred in A.S.No.25 of 1988 was also dismissed. While so, the Government authorities had threatened the petitioner and his brother and directed them to evict from the 58 cents of land, which necessitated them to file O.S.No.76 of 2006 before the District Munsif Court, Sivagangai and the same ended in their favour on 06.03.2007. The 1st respondent has not preferred any appeal against the said judgment and decree. It is the further case of the petitioner that he had submitted several representations, the last one of which was dated 28.02.2015 to the 1st respondent, which was also duly forwarded to R2 and R3, for issuance of patta and since there was no response on the said representation, he is before this Court with the above prayer.

4. The learned Special Government Pleader appearing for the respondents would submit that if a reasonable time is granted to the 3rd respondent, the representation/application of the petitioner will be considered and suitable orders passed.

5. It is seen that the petitioner has got a civil decree in his favour and admittedly, no appeal has been preferred against the judgment and decree dated 06.03.2007 made in O.S.No.76 of 2006 on the file of the District Munsif Court, Sivagangai. Under such circumstances, this Court directs the 3rd respondent to consider the representation of the petitioner dated 28.02.2015 and pass appropriate orders thereon on its own merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioner as well as any of the interested parties.

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

Sd/-
Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar



To:

1. The District Collector,
Sivagangai District,
Collectorate Campus,
Sivagangai-630 562.

2. The Revenue Divisional Officer,
Sivagangai Revenue Division,
Sivagangai (PO),
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3. The Tahsildar,
Sivagangai Taluk Office,
Justice Rajasekaran Road,
Sivagangai-630 561.

+ 1 cc TO Mr.S.P.Maharajan , Advocate in SR No. 81450
+1cc to The Special Government Pleader in SR.No.81534

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AE/KP/SAR3/10.10.2017/3P/6C

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