

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 30.10.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P. (MD) No.19916 of 2017**

Subbaiyah

... Petitioner

Vs.

1. The Director of Survey and Settlement,
Survey House,
Chepauk,
Chennai - 600 005.
2. The Addl. Chief Secretary /
Commissioner of Land Administration,
Land Administration Department,
Chepauk,
Chennai - 600 005.
3. The District Collector,
Sivagangai District,
Sivagangai.
4. The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to consider and pass orders on the petitioner's Appeal dated 28.03.2017 for issuance of Patta in the petitioner's name regarding the land in Survey No. 211 of Sevarakottai Village Group, Thiruppathur Taluk, Sivagangai District to the extent of 1.59 Acres.

For Petitioner

: Mr.V.Kannan

For Respondents

: Mr.M.Alagathevan,

Special Government Pleader

**ORDER**

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

WEB COPY 2. Mr.M.Alagathevan, learned Special Government Pleader, takes notice for the respondents.

3. According to the petitioner, the property in Survey No.211, Sevarakottai Village, Thiruppathur Taluk, Sivagangai District is his wife's ancestral property, whereas, in the Revenue records, the same is mentioned as "Kooyuth Oorani". Thereafter, several suits came to be filed, which ended in favour of the petitioner's wife and subsequent thereto, she has submitted a representation before the authorities seeking patta in her name. Pending consideration, W.P(MD)No.5856 of 2009 came to be filed, wherein, this Court directed the authorities to consider the claim of the petitioner therein. In the meanwhile, the petitioner's wife has passed away and being the legal heir, the petitioner has proceeded further in this issue and after some rounds of litigation the authorities had rejected the claim of the petitioner seeking patta in their favour. Aggrieved by the same, the petitioner has preferred an appeal dated 28.03.2017, before the first respondent and as the same is kept pending, without any action, the petitioner is before this Court.

4. The learned Special Government Pleader, on instructions, submitted that the authorities are inclined to pass orders on the appeal of the petitioner, on merits, within a stipulated time limit.

5. Under such circumstances, this Court, without going into the merits of the petitioner's claim, directs the first respondent to pass appropriate orders, on the appeal of the petitioner dated 28.03.2017, on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner as well as all the interested parties, if any, within a period of six weeks from the date of receipt of a copy of this order.



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

WEB COPY

Sd/-
Assistant Registrar ()

/True Copy/

Sub Assistant Registrar

To

1. The Director of Survey and Settlement,
Survey House,
Chepauk,
Chennai - 600 005.
2. The Addl. Chief Secretary /
Commissioner of Land Administration,
Land Administration Department,
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Chennai - 600 005.
3. The District Collector,
Sivagangai District,
Sivagangai.
4. The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.

+1cc to M/S.V.KANNAN, Advocate SR.No.84251.

+1cc to Special Government Pleader in SR.No.84376.

W.P. (MD) No.19916 of 2017
30.10.2017

GK
SDS/JC/SAR 4/09.11.2017/3P/7C