



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.23161 of 2017

Sakthivel

... Petitioner

Vs.

1. The District Collector,
Thoothukudi District,
Thoothukudi.

2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

3. The Thasildar,
Kovilpatti Taluk,
Kovilpatti,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's application pending before the 2nd respondents and pass appropriate orders in petitioner's application dated 05.09.2017 with regard to the granting separate patta to the petitioner and his family members in respect of survey no.317/7 to an extent of 0.27 cents situated at Iyaneri Village, Kovilpatti Taluk, Thoothukudi District.

For Petitioner	: Mr.K.Guhan
For Respondents	: Mr.M.Alagathevan, Special Government Pleader

ORDER

By consent, the writ petition is taken up for final disposal at the stage of admission itself.

2. Heard the learned counsel appearing for the petitioner and <https://hcservices.ecourts.gov.in/hcservices/> Mr.M.Alagathevan, learned Special Government Pleader, who takes notice for the respondents.



3. According to the petitioner, the subject mentioned property belongs to his family, whereas, a joint patta came to be issued in favour of his family members and one Arun Anith Shelters Ltd. Though the claim of the petitioner came to be negatived in a civil suit, the same got reversed by judgment dated 01.07.2017, in A.S.No.31 of 2014 and thereby, the claim of the petitioner got upheld, against which, according to the petitioner, no second appeal has been preferred so far. Thereafter, the petitioner has submitted a representation dated 05.09.2017, seeking separate patta in his name as well as his family members' name in respect of the said property. Despite the order of the Civil Court in A.S.No.31 of 2014, his representation is kept pending, without any action and hence, the petitioner is before this Court with the above prayer.

4. When the matter is taken up for hearing today, the learned Counsel for the petitioner submitted that it would suffice, if his representation dated 05.09.2017, is disposed of, by the second respondent, within a stipulated time limit.

5. Considering the facts and circumstances of the case and also taking into account the limited scope of the relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the respondents, more particularly, the second respondent, to consider and pass appropriate orders on the representation of the petitioner dated 05.09.2017, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as all the other interested parties, if any, keeping in mind the judgment of the Civil Court in A.S.No.31 of 2014 dated 01.07.2017, within a period of eight 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.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Thoothukudi District,
Thoothukudi.

2. The Thasildar,
Kovilpatti,
Thoothukudi District.



3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

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+1cc to Mr.K.Guhan, Advocate Sr.No.93677
+1cc to Spl.Government Pleader Sr.No.93723

GK

VB/SV/MMS/SAR4/05/01/2018/3P/6C

W.P(MD)No.23161 of 2017
18.12.2017