



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2017
CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM
W.P. (MD) No. 3143 of 2017

K. Vijayakumar

... Petitioner

Vs.

The Tahsildar,
Vadipatti Taluk,
Madurai District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondent to issue patta in respect of Natham Survey No. 328/C4A admeasuring an extent of 360 sq. ft. situated at Palamedu Village, Vadipatti Taluk, Madurai District, by considering the petitioner's representations dated 08.11.2016 and 23.01.2017 within the time stipulated by this Court.

For Petitioner : Mr. V. P. Rajan.
For Respondent : Mr. G. Muthukannan,
Government Advocate.

O R D E R

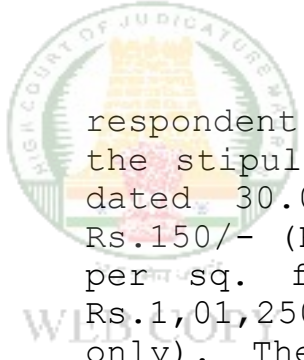
The petitioner prays for issuance of a writ of Mandamus directing the respondent to issue patta in respect of Natham Survey No. 328/C4A admeasuring an extent of 360 sq. ft. situated at Palamedu Village, Vadipatti Taluk, Madurai District, by considering the petitioner's representations dated 08.11.2016 and 23.01.2017 within the time stipulated by this Court.

2. Mr. G. Muthukannan, learned Government Advocate takes notice for the respondent.

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

4. The case of the petitioner is that his father purchased the property measuring an extent of 360 sq. ft. in Natham Survey No. 328/C4A at Palamedu Village, Vadipatti Taluk, Madurai District by a registered sale deed dated 10.09.2003 in Document No. 1349 of 2003 on the file of the Sub Registrar Office, Alanganallur and after the demise of his father, as per family settlement, the petitioner is in possession of the said property.

5. Thereafter, the petitioner made an application dated 16.04.2015 before the respondent seeking patta, however, the extent of the property has been wrongly mentioned as 675 sq. ft. instead of 360 sq. ft. Since the same has not been considered, the petitioner filed W.P. (MD) No. 267 of 2016 before this Court and this Court, by order dated 07.01.2016, directed the



respondent to consider the representation of the petitioner within the stipulated time. Subsequently, the respondent passed an order dated 30.08.2016, directing the petitioner to pay a sum of Rs.150/- (Rupees One Hundred and Fifty only) per sq. ft., to the extent of 675 sq. ft., which comes to Rs.1,01,250/- (Rupees One Lakh One Thousand Two Hundred and Fifty only). Thereafter, the petitioner made a representation dated 08.11.2016 seeking patta to the extent of 360 sq. ft. in S.No.328/C4A, followed by another representation dated 23.01.2017. Since no action has been taken, this writ petition is filed.

6. Heard the learned Counsel for the petitioner as well as the learned Government Advocate appearing for the respondent and perused the materials available on record.

7. Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the petitioner's claim, the respondent is directed to consider the representations of the petitioner dated 08.11.2016 and 23.01.2017 on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as interested parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order. If any third party will be affected by the nature of the relief sought for by the petitioner or by any order to be passed, the authority shall hear such person to avoid the allegations of violation of principles of natural justice. It is made clear that this Court has not expressed any opinion on the merits of the case and the authority concerned is free to deal with the matter on its own merit as per law.

8. Accordingly, this writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

The Tahsildar,
Vadipatti Taluk,
Madurai District.

+1cc to M/S. V.P.RAJAN, Advocate, SR.No.67226.

+1cc to Special Government Pleader, SR.No.67317.

W.P. (MD) No.3143 of 2017

21.07.2017