

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

DATED: 25.05.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**W.P. (MD) Nos.9838 to 9840 and 9902 of 2017**

Palanikumaran

... Petitioner in W.P(MD)No.9838 of 2017

Palanivelrajan

... Petitioner in W.P(MD)No.9839 of 2017

Muthu

... Petitioner in W.P(MD)No.9840 of 2017

1.A.Bhuvaneshwari

2.N.Arun

3.A.Vinothkumar

... Petitioners in W.P(MD)No.9902 of 2017

Vs.

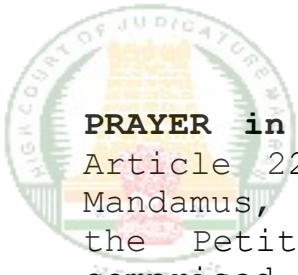
1.The District Collector,
Madurai District ,
Madurai.

2.The Revenue Divisional Officer,
Madurai District,
Madurai

3.The Tahsildar,
Madurai North Taluk,
Madurai.

... Respondents in all WPs

PRAYER in W.P(MD)No.9838 of 2017: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to issue patta in favour of the Petitioner in respect of the lands measuring 40 cents comprised in R.S.No.134/2 A1 in T.S.No.73 in Tallakulam Village, Madurai North Taluk, Madurai District based on the orders passed in W.P. (MD) No.12842 of 2011 dated 17.12.2013.



PRAYER in W.P(MD)No.9839 of 2017: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to issue patta in favour of the Petitioner in respect of the lands measuring 40 cents comprised in R.S.No.134/2 A1 in T.S.No.73 in Tallakulam Village, Madurai North Taluk, Madurai District based on the orders passed in W.P.(MD) No.12843 of 2011 dated 17.12.2013.

PRAYER in W.P(MD)No.9840 of 2017: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to issue patta in favour of the Petitioner in respect of the lands measuring 40 cents comprised in R.S.No.134/2 A1 in T.S.No.73 in Tallakulam Village, Madurai North Taluk, Madurai District based on the orders passed in W.P.(MD) No.12839 of 2011 dated 17.12.2013.

PRAYER in W.P(MD)No.9902 of 2017: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to issue patta in favour of the Petitioners in respect of the lands measuring 80 cents comprised in R.S.No.134/2 A1 in T.S.No.73 in Tallakulam Village, Madurai North Taluk, Madurai District based on the orders passed in W.P.(MD) Nos.12840 and 12841 of 2011 dated 17.12.2013.

In all Writ Petitions;

For Petitioner : Mr. M.S.Saskthikumar
For Respondents : Mrs.S.Bharathi,
Government Advocate

COMMON ORDER

In view of the fact that the issue involved in these Writ Petitions is one and the same, these Writ Petitions are heard together and disposed of by a common order.

2.The petitioners herein approached the respondents for issuance of patta in respect of the lands in question which were purchased by petitioners in W.P.(MD)Nos.9838 to 9840 of 2017 and the father of the petitioner in W.P.(MD)No.9902 of 2017 under registered sale deeds. From the date of purchase, the petitioners have been in possession and enjoyment of the property by paying Corporation Tax to Madurai City Corporation between 1999 and 2008. The Special Deputy Collector for Stamp Duty, by proceedings dated 19.08.1998 levied Rs.1,23,914/- as deficit stamp duty and also levied Rs.74,348/- as interest for the above said amount apart from the payment of stamp duty of Rs.5,200/- and there is an endorsement in the sale deed for the payment of the above deficit stamp duty and interest and their names have also been entered in the Survey Land Register dated 24.06.2005. Hence, the petitioners seek redressal of their petitions on 05.05.2017 to the respondents 1 and 2 for issuance of patta in their name for the above said land. Since no

action has been taken on the representations made by the petitioners, they have come forward with these Writ Petitions.

3.The learned counsel appearing for the petitioners submitted that earlier the petitioners sent representations to the authorities concerned for issuance of patta and as no action has been taken, they have filed Writ Petitions before this Court to consider the representation for grant of patta. This Court also directed the authorities concerned to consider and dispose of the application filed by the petitioners within a period three months. Thereafter, the third respondent passed an order rejecting the claim of issuance of patta by stating that the lands in question have been classified as "Pudukulam Kanmai". Against which, the petitioners have once again approached this Court in W.P.(MD) No.12839 to 12843 of 2011 and this Court by order dated 17.12.2013 directed the third respondent to hear the matter afresh and dispose of the matter after giving due notice and opportunity of personal hearing to the petitioners. It is further submitted that on 12.10.2011, the petitioners in W.P.(MD)No.9902 of 2017 has passed away and hence, the petitioners in the said Writ Petition and also the petitioners in W.P.(MD)Nos.9838 to 9840 of 2017 sent fresh representations dated 05.05.2017 to the respondents along with the order passed by this Court in W.P.(MD)Nos.12839 to 12843 of 2011, dated 17.12.2013. Since no order has been passed on the said representations, the petitioners are before this Court for the relief as stated above.

4.I heard Mr.M.Sakthi Kumar, learned counsel for the petitioners and Mrs.S.Bharathi, learned Government Advocate appearing for the respondents and perused the materials available on record.

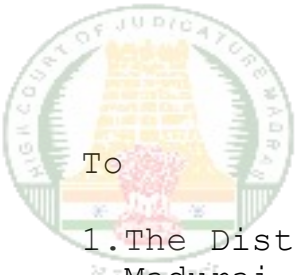
5.Considering the nature of prayer sought by the petitioner, this Court directs the respondents concerned to pass appropriate orders on the representations made by the petitioners dated 05.05.2017 by giving personal opportunities to the petitioners for issuance of patta, on merits and in accordance with law as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, these Writ Petitions are disposed of. No costs.

Sd/-
Vacation Officer

/True Copy/

Sub Assistant Registrar



To

1.The District Collector,
Madurai District ,
Madurai.

2.The Revenue Divisional Officer,
Madurai District,
Madurai

3.The Tahsildar,
Madurai North Taluk,
Madurai.

+4cc to M/S. M.SAKTHIKUMAR, Advocate, SR.No.57992 & 57990.

+1cc to Special Government Pleader, SR.No.57764 & 57945.

W.P. (MD) Nos.9838 to 9840 and 9902 of 2017
25.05.2017

SDS/SV/SAR 2/08.06.2017/4P/9C