



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **23.10.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WEB COPY

W.P (MD) No.11463 of 2011

V.Karthigeyan

.. Petitioner

Vs.

1.The District Collector,
Madurai Collectorate, Madurai.

2.The Revenue Divisional Officer,
Madurai Collectorate, Madurai.

3.The Tahsildar,
Madurai North Taluk Office,
Madurai Collectorate, Madurai.

4.S.K.Vellaichamy

5.S.K.Nambachi

6.S.K.Gopalakrishnan

7.S.K.Chinnammal

8.S.K.Pitchaimmal

9.S.K.Selvasundari

10.S.K.Nirmala Devi

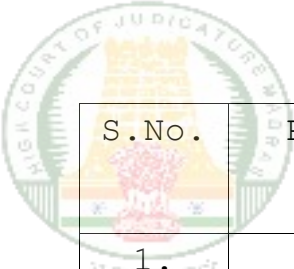
[Respondents 4 to 10 are impleaded as
per order dated 14.11.2011 made in
M.P (MD) No.1 of 2011]

[Petition against the respondents 5, 7
and 8 is dismissed for default vide
order dated 07.12.2012]

[Petition against the respondents 6, 9
and 10 is dismissed for default vide
order dated 15.03.2013]

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the
Constitution of India praying for the issuance of a Writ of
Mandamus directing the respondents to issue patta in favour of the
petitioner for the below mentioned properties situate in Madurai
District, Madurai North Taluk, Mangulam Village:



S.No.	Plaint "A" Schedule Sl.No.	Bit	S.No.	Re.S.No.	Area
1.	18	I	294/4	60/4a	11.5 Ares
2.	19	I	21/4	21/4a	54.5 Ares
3.	22a	II	223/2	323/2	60x50 fts
4.	22b	II	223/2	323/2	42x36 fts

For Petitioner : Mr.K.Gokul

For Respondents 1 to 3 : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

For Respondent No.4 : No appearance

ORDER

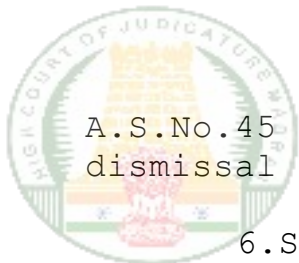
This writ petition is filed seeking a writ of Mandamus to direct the respondents 1 to 3 to issue patta in favour of the petitioner for the petition mentioned properties situate in Mangulam Village, Madurai North Taluk, Madurai District.

2.Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 to 3. There is no representation for the fourth respondent.

3.The case of the petitioner is that he made an application dated 30.05.2011 to the first respondent seeking to issue patta in favour of him for the properties obtained by him vide final decree dated 26.11.2010 passed in I.A.No.164 of 2009 in O.S.No.413 of 1986 by the First Additional Sub Court, Madurai. Since the same has not been considered, the petitioner also made a representation dated 17.06.2011 to the second respondent and the second respondent directed the third respondent to issue patta to the petitioner. According to the petitioner, the third respondent issued patta to the petitioner in respect of some of the properties, except the petition-mentioned properties. Therefore, the petitioner is before this Court.

4.In the counter affidavit filed by the third respondent, it is, among other things, stated that some of the petition-mentioned properties belong to some other persons and some of them are classified as Gramma Natham and prayed for the dismissal of this writ petition.

<https://hcservices.ecourt5gov.in/hcservices/> counter affidavit filed by the fourth respondent, it is, among other things, stated that against the final decree passed by the First Additional Sub Court, Madurai, he filed



A.S.No.45 of 2011 and the same is pending and prayed for the dismissal of this writ petition.

6. Seeking patta for the petition-mentioned properties, the petitioner approached the first respondent by representation dated 30.05.2011 and the same has not been considered and thereafter he made another representation to the second respondent dated 17.06.2011 and on considering the same the third respondent issued patta in respect of some of the properties and for rest of the properties mentioned in the petition, the petitioner has filed this writ petition.

7. Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the third respondent to consider the representation of the petitioner dated 17.06.2011 and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order, if not disposed of earlier. 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.

8. The writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai Collectorate, Madurai.
2. The Revenue Divisional Officer,
Madurai Collectorate, Madurai.
3. The Tahsildar,
Madurai North Taluk Office,
Madurai Collectorate, Madurai.

+3cc to Mr.K.Gokul, Advocate SR.No.83373

+1cc to The Spl.Government Pleader Sr.No.83297

SMN

VB/JC/SAR1/06/11/2017/3P/8C