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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.04.2017

CORAM:
THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A. (MD) No.181 of 2013

G.Ambrose ... Appellant/Petitioner
-vs-

1.The State of Tamil Nadu
rep.by its Secretary
Revenue NIA 2(2) Department
Fort St.George, Chennai - 600 009

2.The District Collector
Nagercoil, Kanyakumar District

3.The District Revenue Officer
Kanyakumari District

4.The Tahsildar
Vilavancode Taluk
Kuzhithurai, Kanyakumari District ... Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside
the order, dated 25.04.2012, made in W.P.(MD) No.5743 of 2012.

Prayer in WP(MD). 5743/ 2012 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court To issue a writ of
mandamus, in the nature of a writ, directing the 4th Respondent to
issue patta in the name of the petitioner in respect of the
property comprised in R.S No. 407/11, measuring 4 Ares and the
property in R.S NO. 407/20 measuring an extent of 2 Ares, instead
of one Are, situated at Kunnathoor Village, Vilavancode Taluk,
Kanyakumari District.

For Appellant :Mr.B.Brijesh Kishore

For Respondents :Mr.S.Chandrasekar, Government Advocate

J U D G M E N T

[Judgment of the Court by **T.S.SIVAGNANAM, J.**]

Heard Mr.B.Brijesh Kishore, learned counsel appearing for the
<https://hcservices.ecourts.gov.in/hcservices/> appellant and Mr.S.Chandrasekar, learned Government Advocate
appearing for the respondents and carefully perused the materials



placed on record.

2. This writ appeal filed by the writ petitioner is directed against the order, dated 25.04.2012, made in W.P.(MD) No.5743 of 2012.

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3. The appellant sought for issuance of a writ of mandamus to direct the fourth respondent to issue Patta in his name in respect of the properties, comprised in R.S.Nos.407/11 and 407/250, situated at Kunnathoor Village, Vilavancode Taluk, Kanyakumari District, measuring an extent of 4 Ares and 2 Ares respectively, instead of 1 Are.

4. The writ Court taking into consideration of the earlier order issued in W.P.(MD).No.10398 of 2005, dated 24.01.2006, held that the appellant cannot seek for implementation of the earlier order by filing another writ petition praying for issuance of writ of mandamus and he has to file a contempt petition.

5. At this juncture, it may not be necessary to test of correctness of the impugned order on account of certain subsequent developments, namely, the appellant is no more. The grievance of the legal heirs of the appellant is only in respect of extent of the land in Survey No.407/20 as mentioned in Patta No.2700, since the Patta states the extent as 01 Are, whereas, according to the appellant / legal representatives, the correct extent is 02 Ares. Therefore, the proper procedure for the appellant or his legal heirs is to approach the fourth respondent with proper documents, including the decree of the Civil Court, which they rely on and seek correction or rectification of the mistake and if such application is filed by the legal heirs of the appellant, the fourth respondent shall consider the same and pass appropriate orders within a period of eight weeks from the date receipt of a copy of this order.

6. The writ appeal is disposed of with the above directions. No costs.

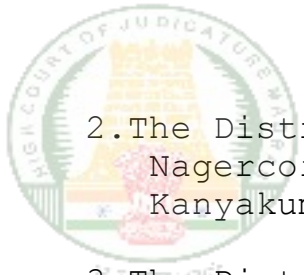
Sd/-
Assistant Registrar(CS I)

/True Copy/

Sub Assistant Registrar

To:

1.The Secretary,
Revenue NIA 2(2) Department,
Fort St. George,
Chennai - 600 009.



2.The District Collector,
Nagercoil,
Kanyakumar District.

3.The District Revenue Officer,
Kanyakumari District.

4.The Tahsildar,
Vilavancode Taluk,
Kuzhithurai,
Kanyakumari District.

+1cc to Mr.B.Brijesh Kishore,Advocate,SR.53996

W.A. (MD) No.181 of 2013

25.04.2017

SKM/KRK

kk/SV/08.05.2017-3P-6C