

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6435 of 2018
and
W.M.P.No.7952 of 2018

J. Dhivyanathan

... Petitioner

Vs.

1. The Collector,
Salem District,
Salem.
2. The Revenue Divisional Officer,
Attur,
Salem District.
3. The Tahsildar,
Gangavalli Taluk,
Salem District.
4. The Block Development Officer,
Gangavalli Panchayat Union,
Gangavalli Taluk,
Salem District.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 to 3 to sub-divide the Survey No.380/5B and issue patta to the petitioner for 1.45 acres in Aanaiyampatti Pudur Village, South Manakadu, Gangavalli Taluk, Salem District.

For Petitioner : Mr. C.Selvaraj,
Senior Counsel for
M/s.C.S.Associates.

For Respondents-1to3 : Mr. R.S.Selvam,
Government Advocate.

For Respondent-4 : Mr.G.B.Rajesh

O R D E R

The relief sought for in this Writ Petition is for a direction to direct the respondents 1 to 3 to sub-divide the Survey No.380/5B and issue patta to the writ petitioner for 1.45 acres in Aanaiyampatti Pudur Village, South Manakadu, Gangavalli Taluk, Salem District, based on the representation submitted by the Writ Petitioner on 22.02.2018.

2. The learned Senior Counsel, appearing on behalf of the Writ Petitioner, made a submission that the third respondent gave a "D" Card 46 AM 73 assignment to the father of the writ petitioner, Mr. Joseph on 03.08.1963, measuring an extent of 3.45 acres for cultivating the same in Survey No.380/5B of Aanaiyampattipudur Village, South Manakadu, Aanaiyampatti Post, Gangavalli Taluk, Salem District.

3. Accordingly, the respondents have to issue patta after completion of 10 years as the father of the writ petitioner was cultivating the abovesaid lands. When the father of the writ petitioner was cultivating the lands, the local village people requested the father of the writ petitioner to provide 2 acres of land for opening a Panchayat Union Elementary School and his father granted permission to start the school in 2 acres. Thus, the remaining 1.45 acres were under the cultivation of his father and there is a Well for the purpose of developing the agricultural activities.

4. This being the factum of the case, the writ petitioner made a representation to the respondents on 22.02.2018 for granting patta under the provisions of the Patta Pass Book Act. The respondents have not considered the same and no order has been passed till today. Patta has to be granted to the owner of an immovable property under the provisions of the Patta Pass Book Act.

5. Thus, without going into the merits of the matter, the writ petitioner is permitted to submit a fresh copy of the application along with all necessary documents, within a period of three weeks from the date of receipt of a copy of this order, enabling the third respondent to consider the same in accordance with law. In the event receiving any such application, the third respondent is directed to consider the same and pass orders on merits and in accordance with law and by affording opportunity to all the parties concerned and pass orders, within a period of twelve weeks thereafter.

6. With these observations, this writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Svn/Vji

To

1. The Collector,
Salem District,
Salem.
2. The Revenue Divisional Officer,
Attur,
Salem District.
3. The Tahsildar,
Gangavalli Taluk,
Salem District.
4. The Block Development Officer,
Gangavalli Panchayat Union,
Gangavalli Taluk,
Salem District.

+1cc to M/s.C.S.Associates., Advocate, S.R.No.55209
+1cc to Mr.G.B.Rajesh, Advocate, S.R.No.55218
+1cc to the Government Pleader, S.R.No.55291

W.P.No.6435 of 2018

CS/31/08/18

WEB COPY