

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.20581 of 2013

E.Ramasamy

..Petitioner

Vs

1. The Thasildar,
Salem Taluk,
District Collectors Office Complex,
Salem - 636 001.
 2. The District Collector,
Salem District,
Salem - 636 001.
 3. N.Selvaraj
 4. C.Ganapathy
 5. N.Gopal
 6. P.Arumugam
 7. C.Murugesan
 8. Ammakannu
 9. Periyapaiyan (deceased)
 - 10.R.Radhakrishnan
 - 11.A.Basha
 - 12.M.Mohammed Isaq
 - 13.Revathy
- ..Respondents

[R3 to R12 are impleaded as per order of this Court dated 18.11.2016 in MP.No.1/2013 in WP.No.20581/2013.]

[R13 is substituted as the Legal representative of deceased 9th respondent as per order of this Court dated 06.07.2018 in W.M.P.No.8021 of 2018 in W.P.No.20581 of 2013]

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the first respondent to issue patta to the petitioner in respect of his Agriculture land i) 0.49 acre in S.No.87/14B and (ii) 0.11 $\frac{1}{4}$ acre in S.No.87/14B, totally measuring 0.60 $\frac{1}{4}$ acre in Jagir Ammapalayam Village, Salem Taluk and District as per the representation of the petitioner dated 21.06.2013.

For Petitioner : Mr.P.Jagadeesan

For Respondents : Mr.B.Anand
Government Advocate, for R1 & R2
: Ms.A.L.Gandhimathi, for R3 to R12

ORDER

Heard the learned Counsel for the petitioner, the learned Government Advocate for the respondents 1 and 2 and the learned Counsel for the respondents 3 to 12 and perused materials available on record.

2. The petitioner has come up with this present writ petition for issuance of a writ of mandamus, directing the first respondent to issue patta in respect of his Agriculture lands 0.49 acre in S.No.87/14B and 0.11 $\frac{1}{4}$ acre in S.No.87/14B, totally measuring an extent of 0.60 $\frac{1}{4}$ acre in Jagir Ammapalayam Village, Salem Taluk and District, as per his representation dated 21.06.2013.

3. The case of the petitioner is that he is the absolute owner of the lands in S.No.87/14B measuring total extent of 0.60 $\frac{1}{4}$ in Jagir Ammapalayam Village, Salem Taluk and he has been in possession and enjoyment. However, an attempt was made by ten persons to interfere with his possession. Hence, two suits in O.S.No.223 of 2003 and O.S.No.431 of 2012 have been filed before the Principal District Munsif Court, Salem. In which declaratory relief and permanent injunction have been granted.

4. The learned Counsel for the petitioner submitted that no order was passed on the application dated 21.06.2013, seeking issuance of the patta and it is still pending before the first respondent. It is further stated that it would suffice, if a suitable direction is issued to the first respondent to pass orders on the application of the petitioner.

5. The learned Government Advocate for the respondents 1 and 2 submitted that patta was already issued in favour of the petitioner for the lands in T.S.No.87/14B and the respondent is ready to pass orders on the application of the petitioner in accordance with law.

6. In reply, the learned counsel for the petitioner submitted that the first respondent has issued patta only for the extent of 43 cents, but the petitioner is entitled for patta for 49 cents.

7. The learned counsel for the respondents 3 to 12 submitted that a road was already existing in the land of the petitioner, however unfortunately, both suits have been decreed as exparte.

8. In the light of the above facts and the submissions made by the learned counsels, this Court, without going into the merits of the case directs the first respondent to consider the application of the petitioner dated 21.06.2013 and pass orders purely on merits and in accordance with law,

after affording an opportunity of personal hearing to all necessary parties, within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

msrm

To

1. The Thasildar,
Salem Taluk,
District Collectors Office Complex,
Salem - 636 001.
2. The District Collector,
Salem District,
Salem - 636 001.

+ 1 cc to Mr.P. Jagadeesan, Advocate sR.43982
+ 1 cc to Government Pleader Sr.44598
+ 1 cc to Ms. AL. Ganthimathi, Advocate Sr.44242

W.P.No.20581 of 2013

GJ(CO)
EU(10/08/2018)

सत्यमेव जयते

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