



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

WEB COPY

Writ Petition (MD) No.159 of 2018

D.Ayyasamy
Secretary,
Hindu Nadar Primary School
N.Vedapatti,
Ettayapuram Taluk,
Tuticorin District.

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.

2.The District Revenue Officer,
Kovilpatti,
Tuticorin District.

3.The Tahsildar,
Ettayapuram Taluk,
Tuticorin District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to measure the land and grant patta in favour of our school namely N.Vedapatti Hindu Nadar Uravinmurai Committee Primary School in Survey No.73/2A to an extent of 0.17.5 Are at N.Vedapatti Ettayapuram Taluk, Tuticorin District and take action based on his representation dated 12/06/2017 within the time frame stipulated by this Court.

For Petitioner : Mr.F.Deepak

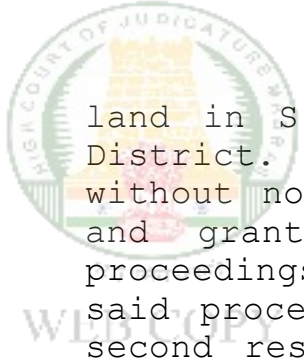
For Respondents :Mr.C.M.Marichelliah Prabhu,
Additional Government Pleader.

ORDER

This writ petition has been filed seeking direction to the respondents to measure the land and grant patta in favour of school namely, N.Vedapatti Hindu Nadar Uravinmurai Committee Primary School in Survey No.73/2A to an extent of 0.17.5 Are at N.Vedapatti, Ettayapuram Taluk, Tuticorin District and take action based on his representation, dated 12/06/2017 within the time frame stipulated by this Court.

2.Heard Mr.F.Deepak, learned counsel appearing for the petitioner and Mr.C.M.Marichelliah Prabhu, learned Additional Government Pleader appearing for the respondents.

3.According to the petitioner, one Balakrishnan made an application before the third respondent seeking sub division of



land in S.No.73/2, at N.Vedapatti, Ettayapuram Taluk, Tuticorin District. Based on the said application, the third respondent, without notice to the petitioner sub-divided the above said land and granted patta in favour of the said Balakrishnan by proceedings in TTR No.91/01-02, dated 10.12.2001. Challenging the said proceedings, the petitioner has filed an appeal before the second respondent who in turn confirmed the order of the third respondent. Therefore, the petitioner filed a revision before the first respondent. The first respondent has passed an order dated 13.01.2009 setting aside the order of the respondents 2 and 3 and cancelled the patta granted to the petitioner. Thereafter, the petitioner has submitted a representation dated 12.06.2017 seeking patta for the above said land. Since no order has been passed, the petitioner has filed this writ petition for the aforementioned relief.

4.Admittedly, the petitioner has given representation to the District Revenue Officer who is only the revisional authority and the competent authority is the Tahsildar, the third respondent herein. Therefore, the petitioner is directed to give proper application before the Tahsildar, the third respondent herein seeking transfer of patta. If any such application is received, the third respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after issuing notice to the petitioner as well as to the rival parties, if any.

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

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.

2.The District Revenue Officer,
Kovilpatti,
Tuticorin District.

3.The Tahsildar,
Ettayapuram Taluk,
Tuticorin District.

+1cc to Mr.F.DEEPAK,Advocate,SR. 41171

Writ Petition (MD) No.159 of 2018

05.01.2018