



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2018

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P (MD) No.24232 of 2018

WEB COPY

S.Michael

... Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The District Revenue Officer,
Sivagangai District.

3.The Revenue Divisional Officer,
Sivagangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the third respondent to pass appropriate orders in Case No.Aha3/1651/2017, with regard to issuance of Patta, within the time limit stipulated by this Court.

For Petitioner : Mr.R.Saravanan

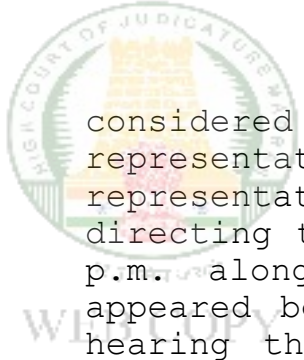
For Respondents : Mr.S.Dhayalan
Government Advocate

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the third respondent to pass appropriate orders in Case No.Aha3/1651/2017, with regard to issuance of Patta, within the time limit stipulated by this Court.

2.The case of the petitioner is that he is in possession and enjoyment of the land to an extent of 28 cents in S.No.292/1. The Patta was originally issued in the name of the petitioner's father along with 27 persons with respect to 55 cents in S.No.292/1 situated at Poolangudi Village, Satthanur Group, Ilayankudi Taluk, Sivagangai District. He made representations seeking Patta for S.No.292/1 to an extent of 28 cents, S.Nos.291/2, 6, 7 and 8 to an extent of 20 cents, S.No.292/4, Bymass No.442/4 to an extent of 68 cents, S.No.291/9 to an extent of 2.5 Ares and S.No.292/1 to an extent of 2.2 Ares.

3.The petitioner would further submit that since patta was not granted, he filed W.P.(MD)No.2896 of 2013 before this Court to consider his representation dated 14.02.2011 and this Court vide order dated 12.03.2013, directed the Tahsildar, Ilayangudi Taluk, Ilayangudi, Sivagangai District, to consider and dispose of the petitioner's application on merits. The Tahsildar has not



considered the petitioner's representation and the petitioner made representation to the respondents and on receipt of the said representation, the third respondent had sent a notice on 26.05.2017 directing the petitioner to appear before him on 03.07.2017 at 3.00 p.m. along with relevant documents. The petitioner has also appeared before him and produce all the relevant documents. After hearing the petitioner, the third respondent adjourned the case. Since there was no progress, the petitioner has made another representation. Thereafter, the petitioner was directed to appear on 27.11.2017 for hearing before the third respondent. The third respondent is adjourning the petitioner's case from 2017 onwards and he is not passing any order. Hence, the petitioner again made representations in this regard to the third respondent on 26.02.2018 and 02.04.2018. Thereafter, on 07.05.2018, the first respondent had sent a reply and agreed to take action. Since there was no progress, again, the petitioner made a representation on 25.06.2018 to the first respondent, for which, the third respondent herein had sent a notice dated 29.06.2018, directing the petitioner to appear for enquiry on 23.07.2018 at 3.00 p.m. The petitioner has also appeared for enquiry, but the case was again adjourned. Hence, the petitioner has approached this Court by way of filing the present Writ Petition.

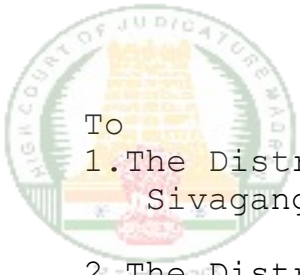
4. When the matter was taken up for hearing on 10.12.2018, this Court directed the learned Government Advocate to get instructions and directed the Registry to list the matter on 17.12.2018. Today, when the matter is taken up for hearing, the learned Government Advocate, on written instructions, submitted that the Revenue Divisional Officer, Sivagangai, the third respondent herein, vide his proceedings in Na.Ka.(A3)1651/2017, dated 17.12.2018, directed the petitioner to approach him on 09.01.2019 at 3.00 p.m. along with relevant documents.

5. In view of the above, the petitioner is directed to appear before the third respondent herein on 09.01.2019 at 3.00 p.m. along with all relevant documents. It is brought to the notice of this Court that the respondents are sending notices and after that, they do not pursue the matter further and therefore, the petitioner is put to great hardship and is not getting any fruitful answer from the concerned authorities to consider his case. Hence, the third respondent is directed to conduct an enquiry on 09.01.2019 without fail and he has to complete the enquiry within a period of eight weeks from the said date and pass appropriate orders considering the materials placed before him, in accordance with law, after giving an opportunity to the petitioner and other interested parties are available, if any, within a period of four weeks thereafter. Accordingly, this Writ Petition is disposed of. No costs.

Sd/

Assistant Registrar (CS-I)

/True copy/



To

1.The District Collector,
Sivagangai District.

2.The District Revenue Officer,
Sivagangai District.

3.The Revenue Divisional Officer,
Sivagangai District.

4.The Tahsildar,
Ilayangudi Taluk,Ilayangudi,
Sivagangai District.

+1cc to Mr.R.SARAVANAN, Advocate, SR.No. 100839

+1cc to M/s.Special Government Pleader,SR.No.101060

W.P. (MD) No.24232 of 2018

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