



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.05.2018

CORAM :

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P. (MD) .No.11547 of 2018 and
W.M.P. (MD) .No.10514 of 2018

Karmegam

...Petitioner

-vs-

1. The District Collector,
Madurai District,
Madurai.
2. The Commissioner,
Madurai Corporation,
Madurai.
3. The Revenue Divisional Officer,
Madurai District,
Madurai.
4. The Tahsildar,
Thirupparankundram,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to take appropriate action based on the petitioner's representation dated 16.04.2018 within stipulated time by this Court.

For Petitioner	: Mr.M.Ramu
For R1,R3 & R4	: Mr.K.Saravanan, Government Advocate
For R2	: Mr.J.Gunaseelan Muthiah Additional Government Pleader

ORDER

Mr.K.Saravanan, learned Government Advocate takes notice for the respondent Nos.1,3 and 4 and Mr. J. Gunaseelan Muthiah, learned Additional Government Pleader takes notice for the respondent No.2.



2. By consent, the writ petition itself is taken up for final hearing.

3. The petitioner has come up with the present writ petition for a mandamus directing the respondents to take appropriate action based on his representation dated 16.04.2018.

4. The case of the petitioner is that the property in S.No.266/4 to an extent of 60 cents situated at Madakulam village, Thirupparankumdrum Taluk, Madurai belongs to his grandfather namely Rakappa Konar, who inherited the same from his mother Rakkayee Ammal. During the year of 1960 the land acquisition proceedings was initiated by Highways authority by notification by sub dividing 226/4A, 226/4B to an extent of 19 cents and 14 cents respectively. Subsequently 33 cents was acquired and the remaining 27 cent was in the absolute possession of the petitioner's grandfather. In the year of 1992, the-petitioner's grandfather executed a Will in respect of 27 cents in favour of the petitioner's family members including him to perform pooja in Karuppannasamy temple. The petitioner and his family members were in possession of the 27 cents and after the death of the petitioner's grandfather, the petitioner and his family members applied for patta with the 2nd respondent. Only then the petitioner came to know that the land to an extent of 27 cents situated in S.No.226/4C was mistakenly classified as Government Poramboke. The petitioner approached the 2nd respondent submitted a representation and the 2nd respondent conducted a detailed enquiry and gave a finding by his order dated 16.06.2000 in Na.Ka. No.11729/1998 that the land was mistakenly classified as Government Poramboke and directed the officials to grant patta. In spite of the said finding and recommendations, no patta was granted. The last representation seeking patta was sent by the petitioner on 16.04.2018 seeking to rectify the mistake and grant patta in light of the order in Na.Ka No.11729/1998 dated 16.06.2000. However no steps were taken till date.

5. Per contra the learned Government Advocate submitted that the land in question is classified as Government Poramboke and hence the land belonged to the Government. However this Court is not satisfied with the said submission as there was already a finding of the 2nd respondent who had conducted a detailed hearing by giving necessary opportunity to the parties concerned and thereafter made the said recommendation. The said order was not neither dispelled nor set aside by any of the authorities and hence the same has reached finality. Hence the argument of the Government Advocate does not find any merits.

6. The 2nd respondent by way of proceedings already on 16.06.2000 in Na.Ka. No.11729/1998 clearly held that the property comprised in 226/4C having extent of 27 cents situated at



Madakulam village absolutely belongs to Karmegam the petitioner herein and his brother namely Nallamani, and therefore it was wrongly included in the classification as road Poramboke and gave further recommendation to issue patta in favour of the petitioner and his brother.

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7. Hence this court directs the 2nd respondent to consider the petitioner's representation dated 16.04.2018 and pass orders in light of the order dated 16.06.2000 in Na.Ka. No.11729/1998 passed by the 2nd respondent and issue patta in favour of the petitioner and his brother within 3 months from the date of the receipt of the order copy. In the meantime the petitioner shall not be disturbed with the peaceful possession and enjoyment.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Madurai District, Madurai.
2. The Commissioner,
Madurai Corporation, Madurai.
3. The Revenue Divisional Officer,
Madurai District, Madurai.
4. The Tahsildar,
Thirupparankundram,
Madurai District.

+ 1 cc TO Mr.M.Ramu , Advocate in SR No. 66286
+ 1 cc TO Mr.J.Gunaseelan Muthiah , Advocate in SR No. 66469
+ 1 cc TO The Special Government Pleader in SR No. 66412

pnn/smn2/ar

AE/SKN RSK/SAR4/13.06.2018/3P/8C

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