



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD) No.14157 of 2014

and

MP (MD) No.1 of 2014

R.Mookkan

... Petitioner

Vs.

1. The District Collector,
Theni District.

2. The Tahsildar,
Uthamapalayam Taluk,
Theni District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to issue a patta to the petitioner to his property measuring 13 cents in S.No.33/1 in Chinna Ovulapuram village in Uthamapalayam Tk, Theni District by reclassifying the same as patta land form Arasu Purambukal on the basis of his sale deed dated 26.10.1984 as accordance with law and thus render justice.

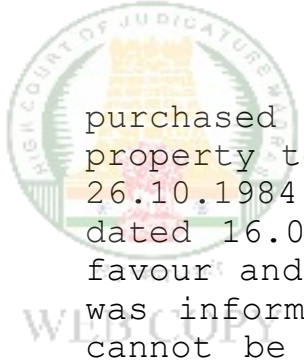
For Petitioner : Mr.R.Suriyanarayanan

For Respondents : Mr.M.Rajarajan
Government Advocate

ORDER

This writ petition has been filed seeking direction to the second respondent to issue patta to the petitioner in respect of his property measuring to an extent of 13 cents in S.No.33/1 in Chinna Ovulapuram village in Uthamapalayam Taluk, Theni District by reclassifying the same as patta land from Arasu Puramboke land on the basis of his sale deed dated 26.10.1984.

2. According to the petitioner, he is the owner of the property to an extent of 13 cents in S.No.33/1 in Chinna Ovulapuram village in Uthamapalayam Taluk, Theni District. Originally the said property belonged to the Government, in which a Handloom Weaving Institute was functioning. Subsequently, the Government has decided to sell the property to third parties and by means of the sale deed dated 21.07.1975, one Mayandi has



purchased the property. Thereafter, the said Mayandi has sold the property to the petitioner by way of a registered sale deed dated 26.10.1984. Thereafter, the petitioner has made an application dated 16.06.2010 to the second respondent to issue patta in his favour and he has also filed an application under RTI Act and he was informed that the land is a poramboke land and hence, patta cannot be granted in favour of the petitioner. Hence, he filed this writ petition.

3. Heard the learned counsel appearing for the petitioner and perused the materials on record.

4. Since the petitioner is claiming that the property has been sold by the Government in the year 1975 itself and he has purchased the same in the year 1984 and also considering the fact that the petitioner has filed the application in the year 2010 itself, the second respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, after considering the various sale deeds made in respect of the above property, within a period of twelve weeks from the date of receipt of a copy of this order, after giving an opportunity to the petitioner. Due to passage of time, the petitioner is directed to file a fresh application and also directed to produce all the sale deeds before the second respondent, enabling him to consider the same and pass orders.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, MP(MD)No.1 of 2014 is closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Theni District.

2. The Tahsildar,
Uthamapalayam Taluk,
Theni District.

+ 1 cc TO Mr.R.Suriyanarayanan , Advocate in SR No. 48164
+ 1 cc TO The Special Government Pleader in SR No. 48916

mj

AE/KKR/SAR4/22.02.2018/2P/5C