



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 31.10.2018

Delivered on : 19.11.2018

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD)No.22153 of 2018

WEB COPY

R.Sivagurunathan

... Petitioner

Vs.

The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to dispose of the petitioner's representation dated 16.08.2018 in the light of the order passed by the Commissioner of Land Administration at Chennai in his proceeding in R.D.I.S.K4/4064/2000 dated 23.01.2002 within a time frame as fixed by this Court.

For Petitioner	: Mr.N.Balamuralikrishnan
For Respondent	: Mr.B.Pugalendhi
	Addl. Advocate General
	assisted by
	Mr.S.Angappan
	Govt. Advocate

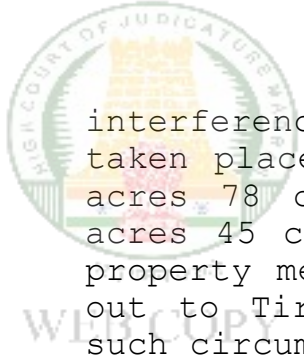
O R D E R

The petitioner has come forward with the present Writ Petition, seeking the following relief:

"Issue Writ of Mandamus, to direct the respondent to dispose of the petitioner's representation dated 16.08.2018 in the light of the order passed by the Commissioner of Land Administration at Chennai in his proceeding in R.D.I.S.K4/4064/2000 dated 23.01.2002 within a time frame as fixed by this Court."

2. The case of the petitioner is as follows:

The property comprised in old Survey No.149 bearing new T.S.No.59/1 measuring about 10 acres and 5 cents situated at Palayanchettikulam village, Palayamkottai Taluk, Tirunelveli District, is the ancestral property of the petitioner. The property was developed on the petitioner's father by way of inheritance and also based on the family partition, which had taken place during the year 1921 and 1964. Subsequent to the partition, the petitioner's father late.Ramachandranpillai had been enjoyed the same without any

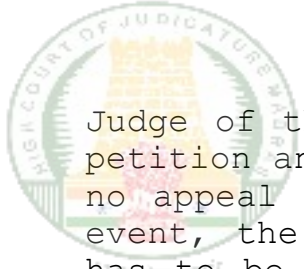


interference till his life time. Originally, the partition had taken place in respect of larger extent of land measuring about 38 acres 78 cents and a portion of the property measuring about 12 acres 45 cents were sold out by the ancestor and a portion of the property measuring about 10 acres and 5 cents had also been leased out to Tirunelveli Diocese Trust Association at Tirunelveli. In such circumstances, the petitioner's father was shown as joint patta holder for the subject land.

3.It appears that one Shanmugaraja had forcibly taken away 10 acres of property in an unlawful manner on the basis of certain forged documents. A civil suit was filed against the said Shamugaraja in respect of 10 acres and as far as the remaining 28 acres of land was concerned, the same was an absolute possession and enjoyment of the petitioner's father.

4.While so, the respondent appears to have deleted the name of the petitioner's father from the joint patta without giving any notice to him and when he came to know about the deletion of his name, the petitioner's father challenged the same before the Revenue Divisional Officer, Tirunelveli, by filing an appeal. However, the appeal was rejected and further appeal was filed before the District Revenue Officer, Tirunelveli, and the same came to be dismissed vide proceedings of the District Revenue Officer, dated 31.07.2000. As against the District Revenue Officer's order, the petitioner has approached the Commissioner of Land Administration, Chennai and the Commissioner, by proceedings dated 23.01.2002 allowed the revision filed by the petitioner herein and directed the respondent herein to include the name of the petitioner as joint pattadhar by setting aside the order of the District Revenue Officer dated 31.07.2000. Thereafter, the petitioner's father has been approaching the respondent periodically for inclusion of his name in the patta for the subject property. However, no action has been forthcoming for all these years. In the meanwhile, the petitioner's father died and the petitioner, who is the son of Ramachandrapillai, has been renewing the request for inclusion of his name as joint pattadhar for the subject property. Despite the direction by the Commissioner of Land Administration as early as on 23.01.2002 for 16 years, no action has been taken by the respondent for the reasons unknown to the petitioner. Therefore, the petitioner is before this Court seeking for issue of Writ of Mandamus directing the respondent to dispose of the petitioner's representation dated 16.08.2018, which was submitted by the petitioner requesting the respondent to comply with the direction passed by the Commissioner of Land Administration in its proceedings, dated 23.01.2002.

5.When the matter is taken up for hearing, Mr.N.Balamuralikrishnan, the learned counsel for the petitioner would submit that the District Revenue Officer's order was put to challenge by the Tirunelveli Diocese Trust Association in W.P.No.5434 of 2002 and in the said writ petition, the said V.Shanmugaraja was also impleaded as a party. However, the learned



Judge of this Court, by order dated 10.01.2006, dismissed the writ petition and the petitioner therein was aware of the said fact, but no appeal has been filed and the order has become final. In such event, the order passed by the Commissioner of Land Administration has to be implemented by the respondent. He would submit that the respondent may be directed to issue notices to the interested parties and dispose of the representation submitted by the petitioner with reference to the order passed by the Commissioner of Land Administration dated 23.01.2002 within the time stipulated by this Court.

6. Since the direction as sought by the counsel appearing for the petitioner is limited in scope and if such direction is issued, no prejudice would be caused any other parties interested in the subject matter, this Court is inclined to grant such direction as sought by the counsel. This Court is of the considered view that the counsel for the respondent who took notice, cannot have any legitimate objection for issuing such limited direction.

7. In view of the same, the respondent is directed to pass orders on the representation submitted by the petitioner on 16.08.2018 in the light of the order passed by the Commissioner of Land Administration at Chennai, in his proceedings in R.D.I.S.K4/4064/2000 dated 23.01.2002 and if necessary cause notice to any interested parties in the subject matter and also grant personal hearing to the parties including the petitioner and pass a reasoned order within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/
Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar(CS-I)

To

The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.

+1cc to Mr.B.PRAHALAD RAVI, Advocate, SR.No. 96081

W.P. (MD) No.22153 of 2018
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