



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2018

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) No.20872 of 2018

C.Selvam

.. Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
(Land Reform) (Melur Executive Magistrate),
Y.Othakkadai,
Madurai District.

.. Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent to issue patta in favour of the petitioner herein, based on his representation dated 19.09.2018, grievance day representation dated 24.09.2018 and also earliest representation dated 03.07.2002, in respect of the land in Survey No.165 pt to an extent of 0.18 cents and S.No.166/2 pt to an extent of 0.54 cents totally 0.72 cents, vide MRIV 94A/17.70 MDR, dated 29.12.1980 situated at Kurinji Nagar, Tiruchunai Village, Melur Taluk, Madurai District.

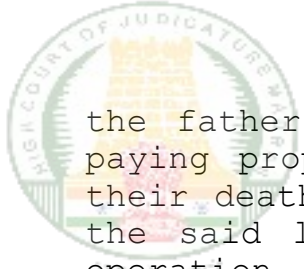
For petitioner : Ms.K.Malathi

For respondents : Mr.R.Murugan,
Additional Government Pleader

ORDER

This writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, to direct the first respondent to issue patta in favour of the petitioner herein in respect of certain portion of the lands in Survey Nos.165pt and 166/2pt, based on his representation dated 24.09.2018.

2. The case of the petitioner is that the Special Tahsildar (Land Reforms), Madurai, vide proceedings in MRIV 94A/17-70 MDR, dated 29.12.1980, has assigned lands in S.No.165 pt to an extent of 0.18 cents and S.No.166/2pt to an extent of 0.54 cents, totally 0.72 cents, situated at Kurinji Nagar, Tiruchunai Village, Melur Taluk, Madurai District, in favour of the grandfather of the petitioner by name Machakalai and accordingly, an individual assignment order has been issued to the grandfather of the petitioner in the year 1981. The grandfather of the petitioner and



the father of the petitioner had been enjoying the said lands by paying property tax, etc. and by doing cultivating operation till their death. After their death, the petitioner has been enjoying the said lands by paying all the taxes and by doing cultivating operation. Now, almost 38 years have gone from the date of assignment. All the conditions mentioned in the assignment order have also been complied with. The grievance of the petitioner is that he has sent several representations to the respondents for grant of patta and the last such representation is dated 24.09.2018, but, till date the respondents did not take any action on the same. Therefore, the petitioner has come up with this writ petition.

3. Heard the learned counsel appearing for both sides.

4. The learned Additional Government Pleader appearing for the respondents, on instruction, would submit that the representation of the petitioner, dated 24.09.2018, will be considered by the first respondent forthwith.

5. It is seen from the record that the petitioner has not submitted his representation, dated 24.09.2018, along with relevant records like, assignment order, legal heir certificate, etc. Considering the above and also considering the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the petitioner to submit a fresh representation, along with a copy of the relevant documents, including a copy of the Legal Heirship Certificate, to the first respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the first respondent shall consider the same and after giving sufficient opportunity to the petitioner, pass appropriate order on merits and in accordance with law, within a period of six weeks thereafter.

6. This Writ Petition stands disposed of accordingly. No costs.

Sd/

Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar(CS-IV)

To

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
(Land Reform) (Melur Executive Magistrate),
Y.Othakkadai,
Madurai District.

+1cc to Mr.K.MALATHI, Advocate, SR.No. 88462

+1cc to M/s.Special Government Pleader,SR.No. 88840

W.P (MD) No.20872 of 2018

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GCG

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