



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2019

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMARW.P. (MD) No.12983 of 2019

1. V.Murugesan,
 2. V.Ramachandran,
 3. V.Arumugam
- ...Petitioners

-Vs-

1. The District Collector,
Trichy District,
Trichy.
 2. The Tahsildar,
Manapparai Taluk,
Trichy District.
 3. Silumbayee,
 4. Velmurugan,
- ...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the second respondent to consider the petitioners' representation, dated 30.12.2017 and to grant of joint patta in favour of the petitioner in survey No.285/1A1 extent of 25 cents Survey No.285/1A4 extent of 25 cents Survey No.285/1B1 extent of 8 cent land including Well 1/4 share Survey No.285/1B4 extent of 25 cents and Survey No.317/2B and extent of 76 cents land is situated at Tharakampatti, Sub Registration Office, Manapparai Taluk Trichy District.

For Petitioners : Mr.A.Ramesh
For Respondents : Mr.P.Kannidevan, AGP for
RR1 and 2

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the second respondent to consider the petitioners' representation dated 30.12.2017 and to grant of joint patta in favour of the petitioner in survey No.285/1A1 extent of 25 cents Survey No.285/1A4 extent of 25 cents Survey No.285/1B1 extent of 8 cent land including Well (1/4 share) Survey No.285/1B4 extent of 25 cents and Survey No.317/2B and extent of 76 cents land is situated at Tharakampatti, Sub Registration Office, Manapparai Taluk Trichy District.



2. Heard Mr.A.Ramesh, learned counsel appearing for the petitioners and Mr.P.Kannidevan, learned Additional Government Pleader appearing for the respondents 1 and 2.

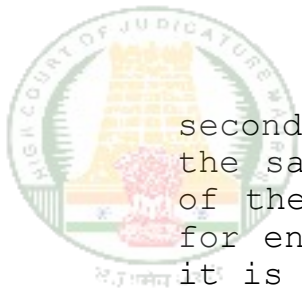
3. Since no adverse order is going to be passed against the private respondents, notice to the private respondents 3 and 4 is dispensed with.

4. With regard to the lands at survey Nos.285/1A1, 285/1A4, 285/1B1, 285/1B4 and 317/2B situated at Tharakampatti, Sub Registration Office, Manapparai Taluk Trichy District, the petitioners had given a request to the Revenue Authorities, especially the Tahsildar i.e. the second respondent to give joint patta and in this regard even though civil Court decree claimed to have been passed in favour of the petitioners against the private respondents and the concerned Revenue Divisional Officer has also by proceedings dated 05.05.2018 directed the second respondent to conduct an enquiry including inspection of the land and take appropriate decision on the request of the petitioners, so far, the petitioners' request has not been considered and in this regard on behalf of the petitioners, the first petitioner has given a request on 07.07.2018 to the second respondent. Therefore, the learned counsel for the petitioners contended that, if the said request is considered on merits and an order to that effect is passed, the petitioners would be satisfied.

5. The learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that, in fact, an enquiry is pending before the second respondent and if the petitioners give co-operation to complete the enquiry at the earliest, certainly the second respondent would complete the same and decide the issue on merits.

6. Considering the said submission made by both sides, this Court is inclined to pass following orders:-

The second respondent is directed to consider the representation of the petitioners dated 07.07.2018 and in this regard, the second respondent shall conduct an enquiry and if need arises, he can have a spot inspection of the subject land after giving proper opportunity to the petitioners as well as the private respondents i.e. R3 and R4 of being heard, the issue can be decided by the second respondent on merits and in accordance with law and accordingly final orders be passed by him, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that once notice/summons is issued by the second respondent to the petitioners as well as the private respondents, they shall appear before the second respondent on the date to be mentioned by him enabling the



second respondent to proceed with the enquiry and complete the same within the time stipulated by this Court. If any of the parties fail to appear before the second respondent for enquiry despite the summons and notices served on them, it is open to the second respondent to proceed and complete enquiry *ex parte* and decide the issue on merits and based on available records.

7. With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Trichy District,
Trichy.

2. The Tahsildar,
Manapparai Taluk,
Trichy District.

+1cc to Mr.A.RAMESH, Advocate, SR.No. 67546

Order made in

W.P. (MD) No.12983 of 2019

Dated:

10.06.2019

ARUL/LS

KK/SAR/19.06.2019/3P-4C

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