



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5880 of 2015

and

M.P.(MD)No.1 of 2015

Raghav @ C.Madasamy

... Petitioner

Vs

1. Revenue Divisional Officer,
Tirunelveli Revenue Division,
Tirunelveli.

2. Thasildar,
Tirunelveli Taluk,
Tirunelveli District.

3. Assistant Director of Survey and Land Records
Tirunelveli District,
Tirunelveli-9.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in Na.Ka.D1/13162/2014 dated 01.12.2014 on the file of the second respondent and quash the same and consequently to direct the second respondent to measure Plot No.2 measuring 5.6 cents and Plot No.3 measuring 5.2 cents in S.No.187/1C3 in Sirukankurichi Village, Tirunelveli Taluk in Patta No.570 and to cause sub-division and issue separate patta.

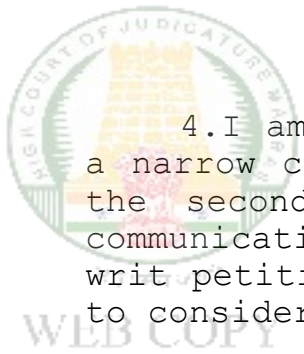
For Petitioner : Mr.A.Immanuel
For Respondents : Mr.M.Karuppasamy,
Government Advocate

ORDER

Heard the learned counsel on either side.

2.The writ petitioner is a joint pattathar. He applied to the second respondent seeking issuance of separate patta. The petitioner's request was not entertained on the ground that the papers have been forwarded to the first respondent. This stand of the second respondent is challenged in this writ petition.

3.When the matter was taken up for hearing, the learned Government Advocate relying on the counter affidavit contended that there are certain factual controversies and therefore it is not possible to issue patta in favour of the writ petitioner.



4.I am of the view that the scope of the writ petition lies in a narrow compass. The petitioner's request was not entertained by the second respondent for the reason set out in the impugned communication. As rightly contended by the learned counsel for the writ petitioner, it is the Tahsildar who is the competent authority to consider the issue of grant of patta.

5. Therefore, the order impugned in this writ petition is quashed. The matter is remitted to the file of the second respondent who shall pass orders on merit and in accordance with law and after putting all the interested persons on notice. This exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

sd/
Assistant Registrar(writs)

/True Copy/

Sub Assistant Registrar

To

1. Revenue Divisional Officer,
Tirunelveli Revenue Division,
Tirunelveli.
2. Thasildar,
Tirunelveli Taluk,
Tirunelveli District.
3. Assistant Director of Survey and Land Records
Tirunelveli District,
Tirunelveli-9.

+1 CC to SPL GP (SR-62920[F] dated 26/04/2019)
+1 CC to Mr.T.PON RAMKUMAR, Advocate (SR-62775[F] dated
26/04/2019)

W.P. (MD) No.5880 of 2015
and
M.P. (MD) No.1 of 2015
25.04.2019

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