



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:04.09.2019
CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P. (MD)No.19173 of 2019

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Pandimeenal

... Petitioner

vs.

1. The Tahsildar,
Tahsildar office,
Tirumayam Taluk,
Pudukkottai District.

2. The Surveyor,
Taluk Tahsildar office,
Tirumayam Taluk,
Pudukkottai District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to measure the property in Survey No.107/38 to the extent of 0.16.5 ares (41 cents) classified as Punja and in S.No.107/39 to the extent of 0.16.0 Ares (39 cents) classified as Punja and in Survey No.107/24 to the extent of 0.36.0 purchased by the petitioner and issue a patta to the petitioner in considering the representation dated 23.04.2019.

For Petitioner : Mr.S.V.Selva

For Respondents : Mr.K.Mu.Muthu

Additional Government Pleader

ORDER

Mr.S.V.Selva, learned Counsel on record for the writ petitioner and Mr.K.Mu.Muthu learned Additional Government Pleader, who accepted notice on behalf of both respondents (official respondents) are before this Court.

2. The entire writ petition turns on a narrow compass and therefore, with consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

3. It is submitted by the learned Counsel for writ petitioner that writ petitioner has acquired certain extents of lands comprised in three survey numbers and that the writ petitioner has made a representation seeking issue of patta. To be noted, representation is dated 23.04.2019 and the same is annexed as part of the typed set of papers at page No.19 of the typed set of papers forming part of the case file (hereinafter referred to as 'said representation' for the sake of convenience and clarity).



4. Adverting to the said representation, learned Counsel for the writ petitioner submitted that he is now abridging the scope of the writ petition and restricting the prayer to say that writ petitioner will be satisfied and it will suffice if there is a direction to the first respondent to dispose of the said representation.

5. Be that as it may, learned State Counsel, who has accepted notice on behalf of both respondents points out that said representation refers to three parcels of land comprised in Survey Nos.107/38, 107/39 and 107/24 all in the same village. Regarding these three parcels of land, learned State Counsel pointed out that in registered sale deed which has been placed before this Court, i.e., registered sale deed dated 15.12.2006 under which writ petitioner claims that he has purchased aforesaid lands there is reference only to two parcels viz., Survey Nos.107/38 and 107/39.

6. Confronted with the aforesaid submission made by State Counsel, learned Counsel for writ petitioner would further abridge his prayer and restrict the same to a request that it will suffice if the first respondent considers said representation with regard to aforementioned two survey numbers alone.

7. Even with regard to aforementioned two survey numbers, it is made clear that this Court does not express any opinion or view on the merits of the matter. Before proceeding further, this Court deems it appropriate to make it clear that in the course of disposal of representation of writ petitioner i.e., said representation on merits, if the rights of any other third party / parties or any other third party entity / entities is likely to be affected or their interest/s is/are likely to be touched upon, the first respondent shall put them on notice and give them a reasonable opportunity before the disposal of the representation.

8. With the afore-stated narrative thus far, instant writ petition is disposed of with a direction to first respondent to dispose of said representation with regard to aforesaid two survey numbers i.e., Survey Nos.107/38 and 107/39 on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of twelve weeks from the date of receipt of a copy of this order.

9. Disposal in the aforesaid manner or the order disposing of said representation of the writ petitioner in the aforesaid manner shall be communicated to the writ petitioner under due acknowledgement within seven working days from the date of disposal.



10. Instant Writ Petition is disposed of with the above directions. There shall be no order as to costs.

Sd/-

Assistant Registrar (P&A)

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// True Copy //

Sub Assistant Registrar(CS)

To

1.The Tahsildar,
Tahsildar office,
Tirumayam Taluk,
Pudukkottai District.

2.The Surveyor,
Taluk Tahsildar office,
Tirumayam Taluk,
Pudukkottai District.

+1 CC to Mr.V. SELVA, Advocate (SR-85361[F] dated 05/09/2019)

+1 CC to SPL GP (SR-85308[F] dated 05/09/2019)

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04.09.2019

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