



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.16631 of 2019

1.S.Surendran
2.R.Balachandran
3.G.Alagarsamy
4.J.Chandrasekaran
5.S.Karuppiah
6.K.Thambithurai
7.S.Manoharan
8.G.Rajmohan
9.Vijayalaxmi

... Petitioners

-Vs-

1.The District Collector,
Madurai District,
Madurai.
2.The District Revenue Officer,
Madurai, Madurai District.
3.The Revenue Divisional Officer,
Madurai, Madurai District.
4.The Tahsildar,
Madurai South, Madurai.
5.The Surveyor,
Madurai South Taluk, Madurai.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 4th respondent to issue patta in respect of the property in S.No.2/2 Ramankulam Village, Madurai South Taluk, Madurai.

For Petitioners : Mr.T.S.Mohammed Mohideen
For Respondents : Mr.B.Bhagawathi, G.A.

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the 4th respondent to issue patta in respect of the property in S.No.2/2 Ramankulam Village, Madurai South Taluk, Madurai.

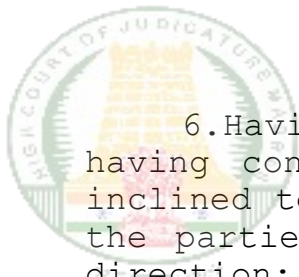


2. Heard Mr.T.S.Mohammed Mohideen, learned counsel appearing for the petitioners and Mr.B.Bhagawathi, learned Government Advocate appearing for the respondents.

3. The learned counsel appearing for the petitioners would submit that, in respect of the property at S.No.2/2 Ramankulam Village, Madurai South Taluk, Madurai, each of the petitioners individually purchased some piece of land in the said survey number from the erstwhile owner viz., Karuppan Sampan on 10.01.2005 by separate sale deeds executed by the power of attorney holder of the said owner of the property, who is the vendor of the petitioners. Subsequently, it seems that there has been dispute between the legal heirs of the vendor of the petitioners. Therefore, the petitioners were constrained to approach the competent Civil Court and filed civil Suits in O.S.No.106 of 2009, 101 of 2009, 116 of 2009, 108 of 2009, 105 of 2009, 100 of 2009, 115 of 2009, 104 of 2009 and 107 of 2009 respectively on the file of the District Munsif Court, Madurai. The said suits were decreed by decree dated 27.09.2016 and after the suits were decreed in favour of the petitioners and the suit decrees have become final as no appeals have been filed by any one, the petitioners have been trying to get patta in their name and in this regard, 1st and 2nd petitioners had given a representation on 20.09.2018 to the respondents and the other petitioners had given representation sometime in February 2019, seeking for issuance of patta and since, those representations are yet to be decided and are pending consideration before the respondents, especially, the 4th respondent, the petitioners are before this Court with the present writ petition with the aforesaid prayer.

4. The learned counsel appearing for the petitioners would submit that, if the said representations dated 20.09.2018 given by the 1st and 2nd petitioners and the representations given in the month of February 2019 by other petitioners are decided by the 4th respondent on merits and in accordance with law, in the light of the civil Court decrees referred to above, within a time frame and final orders are passed with regard to the issuance of patta, the petitioners would be satisfied.

5. I have heard the learned Government Advocate appearing for the respondents, who would submit that, though already order has been passed by the District Revenue Officer i.e., the 2nd respondent only in respect of the petitioners 1 and 2 to grant patta in their favour, insofar as the claim of the other petitioners are concerned, since that have been made separately, both the petitions i.e., representations given by the 1st and 2nd petitioners dated 20.09.2018 as well as the petitions made in February 2019 by other petitioners, would be decided by the 4th respondent, on merits and in accordance with law, by taking into account the civil Court decrees as well as the order passed by the District Revenue Officer and final orders would be passed to that effect.



6. Having regard to the said submissions made by both sides and having considered the factual matrix of the case, this Court is inclined to dispose of this writ petition, with the consent of both the parties, at the stage of admission itself, with the following direction:

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"The respondents, especially, the 4th respondent is hereby directed to consider the representations of the petitioners 1 and 2 dated 20.09.2018 and other petitions made in February 2019 and decide the same on merits and in accordance with law, of course, on the basis of the Civil Court decrees referred to above as well as the order passed by the District Revenue Officer, i.e., the 2nd respondent dated 19.06.2018 and accordingly, take a decision and pass final orders, within a period of six weeks from the date of receipt of a copy of this order."

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

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District, Madurai.
2. The District Revenue Officer,
Madurai, Madurai District.
3. The Revenue Divisional Officer,
Madurai, Madurai District.
4. The Tahsildar,
Madurai South, Madurai.
5. The Surveyor,
Madurai South Taluk, Madurai.

+1 CC to M/s.T.S.MOHAMED MOHIDHEEN, Advocate (SR-78063[F] dated 26/07/2019)

+1 CC to M/s.SPL GP (SR-78236[F] dated 29/07/2019)

Order made in
W.P. (MD) No.16631 of 2019

Dated:
26.07.2019

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