



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.16999 of 2019

M.Rajendran

... Petitioner

-Vs-

1.The District Collector,
Sivaganga District.

2.The District Revenue Officer,
Sivagangai District.

3.The Tahsildar,
Karaikudi.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to forthwith grant patta in favour of the petitioner in respect of the land to an extent of 0.1321.50 sq. mtr. In T.S.No.5, Block No.1, Ward No.9, Karaikudi Taluk.

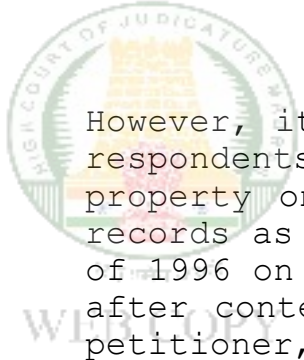
For Petitioner : Mr.AR.L.Sundaresan,
Senior Counsel for
Ms.AL.Gandhimathi
For Respondents : Mr.V.Anand, G.A.

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the respondents to forthwith grant patta in favour of the petitioner in respect of the land to an extent of 0.1321.50 sq. mtr. In T.S.No.5, Block No.1, Ward No.9, Karaikudi Taluk.

2.Heard Mr.AR.L.Sundaresan, learned Senior Counsel appearing for Ms.AL.Ganthimathi, learned counsel appearing for the petitioner and Mr.V.Anand, learned Government Advocate appearing for the respondents.

3.16-1/2 cents of land, which is equivalent to 0.1321.50 sq. mtr. in T.S.No.5, Block No.1, Ward No.9, Karaikudi Taluk, is the subject matter, which belongs to the petitioner as he claimed.



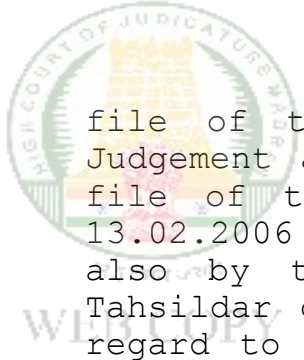
However, it seems that sometime in the year 1996, when the official respondents, on behalf of the Government, were trying to take the property on the guise that, it has been registered in the revenue records as Government land, the petitioner filed a suit in O.S.No.58 of 1996 on the file of the District Munsif Court, Devakottai, where, after contest, the suit was decreed on 10.07.1997 in favour of the petitioner, declaring the subject property to the petitioner as against, which, the respondent preferred appeal in A.S.No.36 of 2001 before the Sub Court, Devakottai, which was also dismissed on 10.07.2002, confirming the decree passed in favour of the petitioner and still, since the petitioner had been facing the same trouble from the respondent, he was constrained to file a writ petition before this Court in W.P.(MD) No.1242 of 2006, which was also allowed on 13.02.2006, by way of Mandamus, directing the respondents not to interfere with the possession of the petitioner in view of the civil Court decree, which has become final.

4.Subsequently, after considering all these aspects, the Special Tahsildar, Karaikudi, by his proceedings dated 19.10.2016 made a detailed recommendation to the 2nd respondent i.e., the District Revenue Officer to issue patta in favour of the petitioner in view of the civil Court decree as well as the order passed by this Court as referred to above. Despite the said civil Court decree as well as the recommendatory report submitted by the Tahsildar dated 19.10.2016, no order since has been passed by the 2nd respondent and still the petitioner is struggling to get the patta in the said subject land, in this regard, the petitioner recently given representation on 17.07.2019 and therefore, the learned Senior Counsel appearing for the petitioner would submit that, if the said representation dated 17.07.2019 to the 1st and 2nd respondent is decided based on the civil Court decree as well as the recommendatory report of the Tahsildar concerned dated 19.10.2016 and the order passed by this Court in the writ petition referred to above, this petitioner would be satisfied.

5.I have heard the learned Government Advocate appearing for the respondent, who would submit that, the said representation of the petitioner dated 17.07.2019 would be decided by the 1st and 2nd respondents based on the civil Court's decree as well as the recommendatory report dated 19.10.2016 of the Tahsildar concerned, within a time frame to be stipulated by this Court.

6.Having regard to the said submissions made by both sides and also by taking into account the factual matrix as has been discussed above, 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:

"The 1st and 2nd respondents are hereby directed to consider the representation of the petitioner dated 17.07.2019 on the basis of the civil Court decree dated 10.07.1997 in O.S.No.58 of 1996 on the



file of the District Munsif Court, Devakottai as well as the Judgement and decree dated 10.07.2002 in A.S.No.36 of 2001 on the file of the Sub Court, Devakottai as well as the order dated 13.02.2006 made in W.P.(MD) No.1242 of 2006 passed by this Court and also by taking into account the recommendatory report of the Tahsildar concerned dated 19.10.2016 and pass orders thereon, with regard to the grant of patta for the said land in favour of the petitioner and such needful has to be undertaken by the 1st and 2nd respondents, within a period of 6 weeks from the date of receipt of a copy of this order."

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

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

1.The District Collector,
Sivaganga District.

2.The District Revenue Officer,
Sivagangai District.

3.The Tahsildar,
Karaikudi.

+1 CC to M/s.AL.GANTHIMATHI, Advocate (SR-79310[F] dated 02/08/2019)

+1 CC to M/s.SPL GP (SR-79483[F] dated 02/08/2019)

Order made in
W.P.(MD)No.16999 of 2019

Dated:
01.08.2019

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JM/27.08.2019/3P/6C