

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 31.07.2019****CORAM****THE HON'BLE MR.JUSTICE R.SURESH KUMAR****WEB COPY**W.P.(MD)No.16902 of 2019

K.Esakkimuthu Thevar

...Petitioner

-Vs-

1.The Revenue Divisional Officer,
Radhapuram Taluk,
Tirunelveli District.

2.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 08.06.2019 on merits and pass orders rectifying the mistake in FMB and issue patta for the petitioner property on the basis of sale deed dated 02.06.1980 to an extent of 5.75 cents situated in Natham S.No.895/15 in South Karungulam Village, Radhapuram Taluk, Tirunelveli District within the time fixed by this Court.

For Petitioner : Mr.H.Arumugam
For Respondents : Mr.B.Bhagawathi
Government Advocate

ORDER

The prayer in this writ petition is for a Writ of Mandamus, to direct the respondents to consider the petitioner's representation, dated 08.06.2019 on merits and pass orders rectifying the mistake in FMB and issue patta for the petitioner property on the basis of sale deed dated 02.06.1980 to an extent of 5.75 cents situated in Natham S.No.895/15 in South Karungulam Village, Radhapuram Taluk, Tirunelveli District, within a time fixed by this Court.

2.Heard Mr.H.Arumugam, learned counsel appearing for the petitioner and Mr.B.Bhagawathi, learned Government Advocate appearing for the respondents.

3.By consent of both parties, the writ petition is taken up for final hearing at the admission stage itself.

4.The petitioner, in order to rectify the mistake in the UDR patta in respect of the property at Survey No.895/19 (wrongly typed as 895/15) in South Karungulam Village, Radhapuram Taluk,



Tirunelveli District, had given an appeal on 08.06.2019 to the first respondent and the same is still pending before the first respondent. Therefore, the learned counsel appearing for the petitioner submits that, if the said appeal is directed to be decided by the first respondent, within a time frame on merits, the petitioner would be satisfied.

5.I have heard Mr.B.Bhagawathi, learned Government Advocate appearing for the respondents, who would submit that, the said appeal filed before the first respondent would be decided on merits and in accordance with law and while deciding the same, whether the petitioner has encroached any poramboke/Government land along with the patta land, also would be verified and accordingly, a decision would be taken on merits, within a time frame to be stipulated by this Court.

6.Having regard to the said submission made by both sides, this Court is inclined to dispose of this writ petition with the following directions:-

"that the first respondent is hereby directed to decide the appeal filed by the petitioner, dated 08.06.2019 on merits and in accordance with law, ofcourse after giving an opportunity of being heard to the petitioner and any other rival claimants and while making such decision, it is open to the first respondent to verify whether any encroachment has been made by the petitioner on the Government land and accordingly, a decision can be taken and final order shall be passed, within a period of eight weeks from the date of receipt of a copy of this order.

No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Revenue Divisional Officer,
Radhapuram Taluk, Tirunelveli District.

2.The Tahsildar, Radhapuram Taluk, Tirunelveli District.

+1 CC to Mr.H.ARUMUGAM, Advocate SR-79158.

+1 CC to SPL GP SR-79240.

W.P. (MD) No.16902 of 2019