



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.18000 of 2019

John Britto

...Petitioner

-Vs-

1.The District Collector,
Pudukkottai District.

2.The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.

3.The Tahsildar,
Manamelkudi Taluk,
Pudukkottai District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to direct the respondents to carry out the legal heirs of Late.Kuppa Pitchai and Late. Mariyasoosai in all the Revenue records in respect of Survey No.80/3, situated at Kodikulam village, Manamelkudi Taluk, Pudukkottai District by issuing patta in their name by considering the representation dated 16.03.2017.

For Petitioners : Mr.K.Baalasundharam

For Respondents : Mr.B.Bhagawathi, G.A.

ORDER

The prayer in this writ petition is for a Writ of Mandamus, to direct the respondents to carry out the legal heirs of Late.Kuppa Pitchai and Late. Mariyasoosai in all the Revenue records in respect of Survey No.80/3, situated at Kodikulam village, Manamelkudi Taluk, Pudukkottai District by issuing patta in their name by considering the representation dated 16.03.2017.

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



3. With regard to the land at S.No.80/2 subdivided in S.No.80/3 at Kodikulam village, Manamelkudi Taluk, Pudukkottai District, the petitioner has given a representation to the 1st respondent District Collector on 28.06.2019 to issue patta in the name of the legal heirs of Kuppa Pitchai and Mariyasoosai and the said Mariyasoosai is the father of the petitioner herein. The learned counsel appearing for the petitioner therefore submits that, if the said representation given by the petitioner is decided by the 1st respondent on merits within a time frame, the petitioner would be satisfied.

4. I have heard the learned Government Advocate appearing for the respondents, who would submit that, the said representation of the petitioner would be decided by the 1st respondent on merits, within a time frame to be stipulated by this Court.

5. Having regard to the said submissions made by both sides, 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:

"Insofar as the issuance of patta by carrying out the names of the legal heirs of the original pattadar, it is under the jurisdiction of the Tahsildar concerned. Therefore, the representation submitted by the petitioner dated 28.06.2019 pending before the 1st respondent District Collector shall be forwarded by the 1st respondent with instructions to the 3rd respondent through the 2nd respondent and on receipt of such forwarding letter with instructions, the said representation shall be considered by the 3rd respondent and he shall decide the same on merits and in accordance with law, after verifying the claim made by the petitioner from revenue and other records including the Court decrees mentioned by the petitioner. In this regard, if need be, an enquiry can be conducted with the petitioner and other legal heirs and also rival claimants, if any. At any rate, needful in finalizing the issue and pass orders shall be made by the 3rd respondent, within a period of six weeks from the date of receipt of the said forwarding of the representation of the petitioner, by the 1st respondent with his instructions as directed above. The 1st respondent shall forward the representation of the petitioner within a period of two weeks from the date of receipt of a copy of this order.



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

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TRUE COPY

SD
ASSISTANT REGISTRAR

SUB ASSISTANT REGISTRAR (CS)

Arul

To

1. The District Collector,
Pudukkottai District.
2. The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.
3. The Tahsildar,
Manamelkudi Taluk,
Pudukkottai District.

- 1 CC TO MR. K. BAALASUNDHARAM, ADVOCATE SR 82575.
1 CC TO THE SPL GOVT PLEADER SR 82852.

Order made in
W.P. (MD) No. 18000 of 2019

Dated:
20.08.2019

CS (16.09.2019) 3P 6C