



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.21172 of 2019

WEB COPY

S.Subbiah

... Petitioner

Vs.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Revenue Divisional Officer,
Tuticorin Sub-Division,
Tuticorin.

3.The Tahsildar,
Tuticorin Taluk Office,
2nd Street Toovipuram,
Tuticorin - 628 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the third respondent to issue a patta to the petitioner's house sites 33, 34 and 35 to the extent of 15.435 cents in Sankaraperi Village S.No.180/1A1 of Tuticorin District within the stipulated time limit based on his representation dated 09.09.2019 according to law.

For Petitioner : Mr.S.Muthalraj
For Respondents : Mr.M.Pandiarajan,
Additional Government Pleader.

ORDER

Mr.S.Muthalraj, learned counsel on record for writ petitioner and Mr.M.Pandiarajan, learned Additional Government Pleader on behalf of all three respondents are before this Court.

2.With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of.

3.Read this in conjunction with and in continuation of earlier proceedings of this Court dated 03.10.2019, which reads as follows:

'Mr.S.Muthalraj, learned Counsel on behalf of writ petitioner is before this Court.

2.It is submitted that subject matter of instant writ petition is lands forming part of Survey No.180/1 in Sankaraperi Village,



Tuticorin Taluk, Tuticorin District (hereinafter 'entire lands' for brevity). This Court is informed that the extent of entire lands is 69 Acres and 59 cents. This Court is also informed by learned Counsel for writ petitioner that from and out of entire lands, an extent of 6 Acres and 98 cents has been made into lay out (in the name and style of 'Royal Garden') and has been sub-divided into housing plots. Writ petitioner is concerned with housing site Nos.33, 34 and 35 in Survey No.180/1A1 (hereinafter 'said plots' for brevity).

3.It is submitted that said plots together admeasure an extent of 15.453 cents (each plot is 5.151 cents).

4.It is also submitted that when the writ petitioner approached the jurisdictional Tahsildar (third respondent) regarding patta for said plots, jurisdictional Tahsildar sent a communication dated 20.09.2013 bearing Na.Ka.Aa2/9769/13, wherein third respondent (jurisdictional Thasildar) has mentioned that he has sought clarification from the Government as entire lands have been classified as 'கட்டு குத்தகை' in the village 'A' Register. It has been further submitted that the clarification in this regard is awaited and that issue of patta has been put on hold till clarification is received from the Government.

5.In the aforesaid backdrop, writ petitioner has sent a representation dated 09.09.2019 seeking patta for the said plots.

6.Mr.M.Pandiarajan, learned Additional Government Pleader, who accepts notice on behalf of all the three respondents seeks time to get instructions and revert to this Court.

7.Specific instructions shall be obtained as to the authority who has to give the clarification and the authority from whom, the jurisdictional Tahsildar (third respondent) sought clarification.

8.In the next listing, Registry to show the name of the State Counsel. List under the caption 'ADJOURNED ADMISSION' on **07.11.2019.**

4.The aforesaid proceedings encapsulates the factual matrix as well as issue in instant Writ Petition.



5.Pursuant to paragraph 7 of the earlier proceedings, learned State Counsel today (07.11.2019), on instructions, submits that jurisdictional Tahsildar has sought clarification from the Commissioner of Land Reforms and it is submitted that oral clarification has since been obtained, but a written clarification will be received within a fortnight from today ie., on or before 21.11.2019.

6.In the aforesaid backdrop, learned counsel for writ petitioner, notwithstanding very many averments made in the affidavit filed in support of instant writ petition, notwithstanding several contentions canvassed / grounds urged in the affidavit filed in support of this writ petition, submits that it will suffice if there is a direction to third respondent to dispose of writ petitioner's representation dated 09.09.2019 (page Nos.14 & 15 of the typed set of papers forming part of the case file).

7.In the aforesaid backdrop, in the light of the abridged scope of writ petition and abridged prayer, there shall be a direction to third respondent to dispose of writ petitioner's representation dated 09.09.2019 on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of eight (8) weeks from 21.11.2019.

8.The decision taken / disposal of writ petitioner's representation by third respondent shall be communicated to writ petitioner under due acknowledgement within seven (7) working days from the completion of aforesaid exercise.

9. Instant Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

Ps

To

1.The District Collector,
Tuticorin District,
Tuticorin.

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+1 CC to SPL GP (SR-96990[F] dated 08/11/2019)

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MK (21.11.2019) 4P 5C