



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.10.2019

CORAM:

THE HONOURABLE **MR. JUSTICE M. SUNDAR**

W.P. (MD) No. 22657 of 2019

and

W.M.P (MD) .No.19401 of 2019

WEB COPY

M.Natarajan

... Petitioner

/Vs./

1.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

2.Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.

3.The Tahsildar,
Thiruchuli,
Virudhunagar District.

4.Panjavarnam

5.Vengusamy

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents 1 and 2 not to change the patta stands in the name of the petitioner, in favour of the 4th respondent with regard to the property in New Survey No.171/2, Old Survey No.136/2 in Aathithanenthal Village, Aathithanenthal groups Thiruchuli (TK), Virudhunagar District based on her application dated 26.3.2018, by considering petitioner's representations dated 29.10.2018 and a representation made in person dated 15.8.2019.

For Petitioner

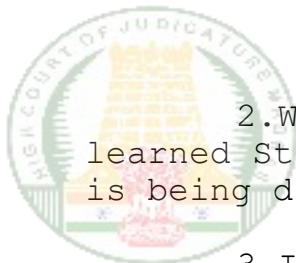
: Ms.T.K.Akalya

For Respondents

: Mr.B.Bhagawathi (for R1 to R3)
Government Advocate

ORDER

Ms.T.K.Akalya, learned counsel on behalf of writ petitioner and Mr.B.Bhagawathi, learned Government Advocate, who accepts notice on behalf of respondents 1 to 3 (official respondents) are before this Court.

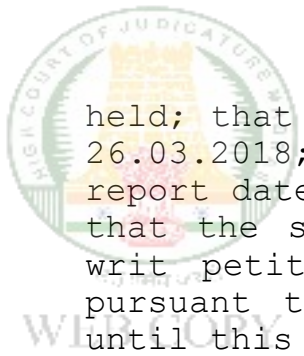


2. With consent of learned counsel for writ petitioner and learned State counsel, main writ petition is taken up, heard out and is being disposed of.

3. It is the case of the writ petitioner that he is owner of '3.83.00 hectares of land in Aathithanenthal Group Village, Thiruchuli Taluk, Virudhunagar District' (hereinafter referred to as 'said lands' for the sake of brevity, clarity and convenience). Patta pertaining to said lands is patta No.405 and the same as placed before this Court as part of case file is as follows:

The document is a green-colored form, likely a patta (land revenue document). It features a circular stamp at the top center with the text "HIGHER COURT OF JUDICATURE" and "MADRAS". Below the stamp, there is a handwritten date "5.10.2018" and a signature. The form contains several sections with text in Tamil and English. At the bottom left, there is a QR code. The document is held by a hand, and a blue arrow points to a specific section.

4. Notwithstanding very many averments made in the affidavit filed in support of this writ petition, notwithstanding very many grounds urged/contentions canvassed, it is submitted by the learned counsel for writ petitioner that fourth respondent (private respondent) has made a claim for patta qua certain extent of said lands; that the jurisdictional Tahsildar (third respondent) issued notice to the writ petitioner and the writ petitioner appeared before the jurisdictional Tahsildar number of times and enquiry was



held; that petition of the fourth respondent in this regard is dated 26.03.2018; that the jurisdictional Tahsildar appears to have sent a report dated 18.08.2018 post enquiry to the second respondent (RDO); that the second respondent sent several enquiry notices; that the writ petitioner diligently appeared before the second respondent pursuant to the enquiry notices, but no orders have been passed until this day.

5. In the aforesaid backdrop, instant writ petition has been filed with a prayer to mandamus respondents 1 and 2 to not to change the aforesaid patta (standing in the name of writ petitioner) in favour of the fourth respondent pursuant to the fourth respondent's application dated 26.03.2018. In this regard, the writ petitioner has sent representations dated 29.10.2018 and 15.08.2019 with a similar plea i.e., plea not to change the aforesaid patta in favour of the fourth respondent.

6. Learned State counsel who has accepted notice on behalf of official respondents submits that enquiry has been conducted by jurisdictional Tahsildar (third respondent) and the jurisdictional Tahsildar has sent a report to second respondent. The second respondent is now in seisin of the matter.

7. From the aforesaid submission, it emerges clearly that what remains is the second respondent should consider and pass a speaking order pursuant to the report of third respondent/ jurisdictional Tahsildar which has been sent post enquiry and on the basis of enquiry conducted by the second respondent. Obviously, the order should be based on materials placed before both authorities in the enquiry.

8. Before this Court proceeds further, it is to be noted that respondents 4 and 5 (private respondents); the fourth respondent is the person, who has petitioned the revenue authorities vide application dated 26.03.2018 as mentioned supra; this Court is informed that the fifth respondent (private respondent) is the vendor of the writ petitioner qua said lands. In this backdrop, this Writ Petition can be disposed of by passing an order which is not adverse to the rights of the private respondents i.e., respondents 4 and 5.

9. This is more so, as there is no disputation that respondents 4 and 5 have already been heard by the revenue authorities, in any event, as a matter of putting in place safety valves and safety measures (as the writ petition being disposed of at the admission stage) it is made clear that the second respondent shall give further reasonable opportunity to the fourth respondent and if necessary to fifth respondent before passing final orders in the aforesaid manner.



10. Therefore, while not acceding to this limited prayer of the writ petition, instant Writ Petition is disposed of with a direction to the second respondent to pass orders on the application of the fourth respondent dated 26.03.2018, obviously, after giving further opportunity to the fourth respondent, writ petitioner and if necessary to fifth respondent on merits of the matter and records before the second respondent in accordance with law as expeditiously as possible and in any event within a period of eight(8) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

rmk

To

1.The District Revenue Officer,
Virudhunagar District, Virudhunagar.

2.Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.

3.The Tahsildar,
Thiruchuli, Virudhunagar District.

+1 CC to Mr.S.THAMIZHARASAN, Advocate (SR-94300[F]dated 24/10/2019)

+1 CC to SPL GP (SR-94665[F] dated 25/10/2019)

Order made in
W.P. (MD) No.22657 of 2019
24.10.2019

VB(14.11.2019) 4P 6C