

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.19664 of 2012

M.Saravanan

.. Petitioner

-vs-

1. The District Collector,
Vellore District.

2. The District Revenue Officer,
Vellore District.

3. The Revenue Divisional Officer,
Vellore District.

4. The Tahsildar,
Gudiyatham.

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to issue patta to petitioner's property measuring about 46' x 30' situated at Survey No.237/69 at Kallapadi Village, Gudiyatham Taluk on the basis of the enquiry report and recommendation letter of the 2nd respondent dated 30.08.2011.

For Petitioner : Ms.A.B.Fathima Sulthana

For Respondents : Ms.A.Madhumathi,
Special Government Pleader

ORDER

Heard Ms.A.B.Fathima Sulthana, learned counsel for the petitioner and Ms.A.Madhumathi, learned Special Government Pleader appearing for the respondents.

2.The petitioner seeks for issuance of writ of mandamus to direct the respondents to issue patta to his property measuring about 46' x 30' situated at Survey No.237/69 at Kallapadi Village, Gudiyatham Taluk on the basis of the enquiry report and recommendation letter of the 2nd respondent, dated 30.08.2011.

3.The learned Special Government Pleader has filed counter affidavit and the relevant paragraphs in the counter affidavit read as follows:-

"10.It is further submitted that, it was clearly stated by this Hon'ble Court in the orders dated 23.12.2010 passed in W.P.No.29200/2010, that the fourth respondent is directed to dispose of the representation dated 30.01.2008 on merits. According to the direction of the High Court, report was submitted on 30.08.2011 to the third respondent recommending issue of revise house site patta as per enjoyment.

11.It is further submitted that, the fourth respondent, i.e., Tahsildar, Gudiyatham has sent report on 30.08.2011 to the third respondent recommending for issue of revised house site patta as follows:-

S.No. and Sub Division	Extent
237/70	0.0139 sq. meter for street, South - 4 mr. North - 1.6 mr.
237/75	0.0026 sq. meter house site (Under the enjoyment of M.Saravanan, S/o.Late, Munirathinam, the petitioner herein)

12.It is further submitted that, in this connection the third Respondent sent an endorsement to the petitioner in Rc.A2/5400/11, dt. 04.04.2012 stating that there is no provision to change the classification from street poramboke to village site as per Revenue Standing Orders."

4.From the counter affidavit, it is seen that the fourth respondent has recommended for revised house site patta as per enjoyment, and sent a report to the third respondent.

5.It is stated in the counter affidavit that the third respondent has sent an endorsement to the petitioner in Rc.A2/5400/11, dated 04.04.2012 stating that there is no provision to change the classification from "Street Poramboke" to "Village Site", as per the Revenue Standing Orders.

6.It is not clear as to whether this communication has been received by the petitioner. However, in the counter affidavit filed by the fourth respondent, it is stated that the communication/endorsement has been sent to the petitioner. However, with a view to afford an opportunity to the petitioner, the third respondent is directed to send a copy of the endorsement in Rc.A2/5400/11, dated 04.04.2012 to the petitioner by Registered Post with Acknowledgement Due within a period of two weeks' from the date of receipt of a copy of this order giving liberty to the petitioner to workout his rights in accordance with law.

7.With the above observation and direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

abr

To

1. The District Collector,
Vellore District.
2. The District Revenue Officer,
Vellore District.
3. The Revenue Divisional Officer,
Vellore District.
4. The Tahsildar,
Gudiyatham.

+1 cc to Government pleader Sr.No.22679.

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RS (CO)
MJ (25/06/2020)