

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2020

CORAM :

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.28895 of 2013

M.Sekar

...Petitioner

Vs.

1. The Tahsildar,
Dharmapuri Taluk,
Dharmapuri District.

2. S.Ahamad Basha,
Secretary,
Dharmapuri Masjid Rahmeth Committee,
Dharmapuri,
Dharmapuri District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus directing the 1st respondent to issue a Patta Pass Book in petitioner's name in respect of 1.71 acres of land in Survey No.376/1 at Hala Dharmapuri Village, Dharmapuri Taluk, Dharmapuri District based on petitioner's application dated 18.09.2013.

For Petitioner : Mr.K.Balu

For R1 : Mrs.K.Bhuvaneswari
Additional Government Pleader

For R2 : Mr.T.Velumani

O R D E R

The petitioner has filed the above writ petition to issue a writ of mandamus directing the 1st respondent to issue a patta in respect of 1.71 acres of land in Survey No.376/1 at Hala Dharmapuri Village, Dharmapuri Taluk, Dharmapuri District, based on his application dated 18.09.2013.

2.It is the case of the petitioner that the property in question belongs to him and therefore, the 1st respondent has to issue the patta in his favour. However, the 2nd respondent contended that the property in question is a waqf property and therefore, the petitioner is not entitled for the patta, as claimed by him.

3.Mr.T.Velumani, learned counsel appearing for the 2nd respondent submitted that the dispute between the petitioner and the 2nd respondent is pending before the Waqf Tribunal in O.S.No.147 of 2010. However, Mrs.K.Bhuvaneswari, learned Additional Government Pleader appearing for the 1st respondent, submitted that the 1st respondent may be directed to consider the petitioner's application, dated 18.09.2013, on merits and in accordance with law, within a time frame.

4.Having regard to the submissions made on either side, taking into consideration the limited prayer sought for by Mr.K.Balu, learned counsel appearing for the petitioner, without expressing any opinion with regard to the merits of the case, I direct the 1st respondent to consider the petitioner's application dated 18.09.2013 and pass orders on merits and in accordance with law, after giving notice to the petitioner as well as the 2nd respondent within a period of 12 weeks from the date of receipt of a copy of this order. It is open to the petitioner as well as the 2nd respondent to produce all the relevant documents before the 1st respondent, which shall be considered by the 1st respondent at the time of passing the order.

With these observations, this writ petition is disposed of.
No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Tahsildar,
Dharmapuri Taluk,
Dharmapuri District.

+1cc to the Government Pleader in SR.NO..29495

VSN-II (CO)
RV(02/11/2020)