



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2020

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD)No.1176 of 2020

T.Diravidamani

... Petitioner

vs.

1.The District Collector,
Theni District, Theni.

2.The District Revenue Officer,
Theni District, Theni.

3.The Revenue Divisional Officer,
Periyakulam, Theni District.

4.The Tahsildar,
Andipatti, Theni District.

5.The Block Development Officer,
Kadamalaikundi - Mayiladumparai Union,
Theni District.

6.The Village Panchayat Secretary,
Kandamanoor Panchayat,
Andipatti Taluk, Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the second respondent herein to grant patta for the land in S.No.228/1 to the extent of 2 Acre 60 cents situated at Vallalnathi Village, Kandamanoor Village Panchayat, Andipatti Taluk, by considering the petitioner's application, dated 06.12.2019 within a stipulated time.

For Petitioner :Mr.S.Saravanan

For Respondents: Mr.A.Muthu Karuppan

Additional Government Pleader

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus to direct the second respondent herein to grant patta for the land in S.No.228/1 to the extent of 2 Acre 60 cents situated at Vallalnathi Village, Kandamanoor Village Panchayat, Andipatti Taluk, by considering the petitioner's application, dated



06.12.2019 within a stipulated time.

2.The petitioner's father has filed a Writ Petition in W.P.No.13374 of 1986 and this Court, by order, dated 01.12.1997, has passed the following order:

"As regards, the plea of assignment put forward by the petitioner, the petitioner is directed to file a fresh application before the Revenue Divisional Officer concerned within two months from today which shall be considered by the Revenue Divisional Officer concerned and pass suitable orders on merits according to Revenue Sanding Order after affording sufficient opportunities to the petitioner. The petitioner's possession shall not be disturbed until final orders are passed. The writ petition is allowed with the above directions. There will be no order as to costs."

3.It is stated by the petitioner that his father had filed a suit in O.S.No.612 of 1985 on the file of the District Munsif Court, Periyakulam against private persons and obtained a decree for permanent injunction. After the demise of petitioner's father, the petitioner's mother gave representation to get patta in terms of the direction issued by this Court in the Writ Petition. It is stated that the Village Panchayat had also passed a resolution in favour of the petitioner's mother to enable her to get patta.

4.Despite the fact that the representation of the petitioner and his mother had been forwarded and recommended by the revenue officials, it is stated by the petitioner that final order has not been passed by the respondent as per direction of this Court.

5.This Court noticed that a direction was issued by this Court, by order, dated 01.12.1997, as extracted supra. Though the petitioner's father and thereafter, the petitioner's mother submitted several representations and they died one after another, the petitioner's grievance has not been redressed so far. Therefore, this Court is inclined to issue the following directions:

5.1.The second respondent is directed to consider the representation of the petitioner, dated 06.12.2019 and pass appropriate orders, after considering the order passed by this Court, dated 01.12.1997 in W.P.No.13374 of 1986 and the revenue records and other documents, that may be produced by the petitioner. This exercise shall be undertaken by the second respondent within a period of twelve weeks from the date of receipt of a copy of this order.



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6.This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AD I)

// True Copy //

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Sub Assistant Registrar (CS)

cmr

To

- 1.The District Collector,
Theni District, Theni.
- 2.The District Revenue Officer,
Theni District, Theni.
- 3.The Revenue Divisional Officer,
Periyakulam, Theni District.
- 4.The Tahsildar,
Andipatti, Theni District.
- 5.The Block Development Officer,
Kadamalaikundi - Mayiladumparai Union,
Theni District.
- 6.The Village Panchayat Secretary,
Kandamanoor Panchayat,
Andipatti Taluk, Theni District.

+1 CC to MR.S.SARAVANAN, Advocate (SR-3780[F] dated 29/01/2020)

+1 CC to SPL.GP (SR-4321[F] dated 31/01/2020)

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