



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.07.2020

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.2702 of 2020

WEB COPY

Parameshwaran

...Petitioner

Vs

1.The District Collector,
District Collector Office,
Nagercoil,
Kanyakumari District.

2.The Sub Collector,
Sub Collector Office,
Nagercoil,
Kanyakumari District.

3.The Tahsildar,
Tahsildar Office,
Thovalai Taluk,
Kanyakumari District.

4.The Executive Engineer,
Public Works Department (Water Resources Organization),
Thovalai,
Nagercoil,
Kanyakumari District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1st respondent to consider the petitioner's representation dated 13.01.2020 and to issue patta for the land in New Survey No.252/1 (Old Survey No.902/175-902/218) to an extent of 85 cents situated at Esanthimanalam Village, Thovalai Taluk, Kanyakumari District.

For Petitioner	: Mr.D.Nallathambi for Mr.V.Meenakshisundaram
For Respondents	: Mr.V.Kannidevan Additional Government Pleader

ORDER

This writ petition is filed to direct the 1st respondent to consider the petitioner's representation dated 13.01.2020 and to issue a patta for the land in New Survey No.252/1 (Old Survey No.902/175-902/218) measuring to an extent of 85 cents situated at Esanthimanalam Village, Thovalai Taluk, Kanyakumari District.

2.Heard the learned counsel appearing for the petitioner and
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the learned Additional Government Pleader appearing for the respondents.

3.The learned counsel appearing for the petitioner would submit that the property in New.S.No.252/1 measuring to an extent of 85 cents was originally belonged to erstwhile Trivancore Samasthanam and the same was assigned to the petitioner's father, Perumal Pillai and he was also in possession and enjoyment of the aforesaid property for a very long time.

4.The petitioner's father filed a suit in O.S.No.410 of 1982 before the Additional District Munsif Court, Nagercoil to declare possessory title, consequential injunction and mandatory injunction to change the revenue records. The said suit was decreed on 05.02.1987 in favour of the plaintiff, Perumal Pillai.

5.In pursuance to the judgment and decree dated 05.02.1987, the petitioner's father filed an Execution Petition in E.P.No.128 of 1988.During the pendency of the said Execution Petition, the petitioner's father died and that the petitioner herein has been impleaded as party in the said E.P. On 08.11.1993, directing the 1st respondent to issue patta in favour of the petitioner name, E.P.No.128 of 1988 has been disposed of.

6.As against the decree and judgment dated 05.02.1987 passed in O.S.No.410 of 1982, the 1st respondent filed an Appeal Suit in A.S.SR.No.3915 of 1992 with a delay petition in I.A.No.485 of 1992 and the same has also been dismissed by the Court below. Therefore, the decree in O.S.No.410 of 1982 had attained finality. Hence, the petitioner made a representation dated 13.01.2020 to the 1st respondent to issue patta for the land in Resurvey No.252/1, measuring to an extent of 85 cents at Easanthimangalam. But, on such representation no action has been taken by the 1st respondent till date. Hence, the petitioner has filed the present writ petition before this Court for the relief stated supra.

7.The learned Additional Government Pleader appearing for the respondents would submit that the Commissioner of Land Administration is the competent authority to issue patta for the land in New Survey No.252/1 (Old Survey No.902/175-902/218) measuring to an extent of 85 cents situated at Esanthimangalam Village, Thovalai Taluk, Kanyakumari District, since the 3rd respondent by proceedings in Na.Ka.No.A4/5712/2015 dated 30.05.2018, recommended the 1st respondent to issue patta for the aforesaid property in favour of the petitioner. Therefore, the petitioner may approach the Commissioner of Land Administration to workout his remedy.

8.In reply, the learned counsel appearing for the petitioner would submit that liberty may be given to the petitioner to make a



fresh representation before the Commissioner of Land Administration to workout his remedy.

9. In view of the aforesaid submission made by the learned counsel on either side and in agreement with the submission of the learned Additional Government Pleader, this Court is inclined to pass the following direction:-

Based on the submission of the learned Additional Government Pleader, it is open to the petitioner to approach the Commissioner of Land Administration to seek his remedy in the manner known to law. The petitioner is also directed to enclose a copy of this order along with such representation.

10. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
District Collector Office,
Nagercoil, Kanyakumari District.
2. The Sub Collector,
Sub Collector Office, Nagercoil, Kanyakumari District.
3. The Tahsildar,
Tahsildar Office, Thoivalai Taluk, Kanyakumari District.
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