



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.07.2020

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.5337 of 2020

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T.Srinivasan

...Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Melur,
Madurai District.

3.The Tahsildar,
Melur,
Madurai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 3rd respondent to restore the Patta Nos.916 and 960 in respect of the property in S.Nos.157/1, 157/2, 164/2, 164/3, 165/1 and 165/2 at Keeranur Village, Melur Taluk, Madurai District, by implementing the order passed by the 2nd respondent in O.Mu.No.4198/2016/A1 dated 04.03.2018 and the 1st respondent in Na.Ka.No.18570/2018/J1 dated 05.02.2019.

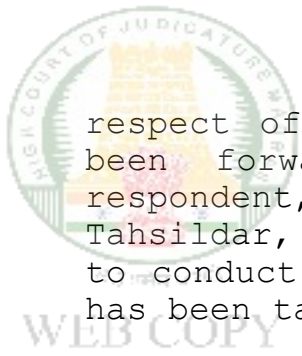
For Petitioner	: Mr.C.Vakeeswaran
For Respondents	: Mr.R.Sethuraman
	Special Government Pleader

ORDER

This writ petition is filed to direct the 3rd respondent to restore the Patta Nos.916 and 960 granted in favour of the petitioner in respect of the property in S.Nos.157/1, 157/2, 164/2, 164/3, 165/1 and 165/2 situated at Keeranur Village, Melur Taluk, Madurai District.

2.According to the petitioner, he purchased the aforesaid property from the original assignees between the years 2008 and 2010. In the year 2016, without issuing any prior notice to the petitioner, the 3rd respondent had classified the aforesaid property as "Panchami Lands", which is in violation of principles of natural justice and had assigned the aforesaid property to the vendors of the petitioner.

3.In view of the above, the petitioner made a representation dated 22.01.2018 to the 2nd respondent to restore the patta in
<https://hcservices.ecourts.gov.in/hcservices/>



respect of the aforesaid property in his favour and the same has been forwarded, by proceedings dated 04.03.2018, to the 3rd respondent, which, in turn, was also forwarded to the Zonal Deputy Tahsildar, Melur, Madurai District, by proceedings dated 17.07.2018, to conduct an enquiry and to file a report. Thereafter, no action has been taken.

4.Narrating all the aforesaid facts, the petitioner made another representation dated 21.01.2019 to the 1st respondent and the same has been forwarded to the 3rd respondent to conduct an enquiry and submit a report, regarding the restoration of patta in respect of the aforesaid property. Thereafter, on 23.01.2020, the petitioner made another representation to the respondents 1 and 2.

5.By considering the representation dated 23.01.2020, the 2nd respondent, by proceedings dated 11.02.2020, has given a reply to the petitioner by stating that after conducting the enquiry, final orders have been passed on such representation. However, no enquiry has been conducted till date. Hence, left with no other alternative, the petitioner has filed the present writ petition for the relief stated supra.

6.The learned Special Government Pleader appearing for the respondents would submit that in compliance with the order of this Court dated 16.03.2020, an enquiry has been conducted and in that regard, he produced a copy of the proceedings of the 3rd respondent dated 20.07.2020, before this Court, wherein, it had been stated that in the revenue records, the aforesaid property has been classified as "Panchami Lands" and that therefore, the request of the petitioner was rejected. Further, it had been stated that the petitioner can approach the appellate authority, if being aggrieved with the proceedings of the 3rd respondent dated 20.07.2020.

7.In reply, the learned counsel appearing for the petitioner requested before this Court that challenging the order passed by the 3rd respondent dated 20.07.2020, two weeks time may be granted to file an appeal before the appellate authority.

8.Recording the submission made by the learned Special Government Pleader and in view of the submission made by the learned counsel appearing for the petitioner, this Court is inclined to pass the following directions:-

i) The petitioner is directed to file an appeal before the 2nd respondent / The Revenue Divisional Officer, Melur, Madurai District, to seek his remedy, within a period of two weeks from the date of receipt of a copy of this order.

ii) On receipt of such appeal within the aforesaid period, the 2nd respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of 12 weeks therefrom.



9.This Writ Petition is disposed of, with the above directions.
No costs.

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// True Copy //

Sd/-

Deputy Registrar (LA AND M)

/ /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,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Melur,
Madurai District.

3.The Tahsildar,
Melur,
Madurai District.

+1 CC to M/s.C. VAKEESWARAN, Advocate (SR-13305[F] dated 29/07/2020)

+1 CC to M/s.GP (SR-13376[F] dated 30/07/2020)

W.P. (MD) No.5337 of 2020

28.07.2020

KK(13.08.2020) 3P 6C