



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WEB COPY

W.P. (MD)No.5476 of 2020

P.Mayandi Thevar

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Usilampatti Taluk, Madurai District.

2.The Tahsildar,
Usilampatti Taluk, Madurai District.

3.The Surveyor,
Uthappa Naiyakanoor Firka,
Usilampatti, Madurai District.

4.R.Kala

... Respondents

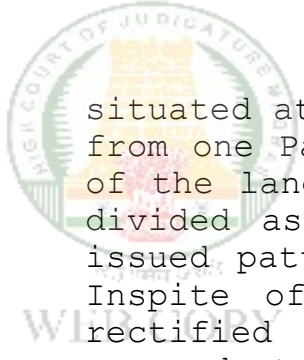
PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the second respondent to consider the petitioner's representation dated 04.03.2020 and issue patta in favour of the petitioner's property in Survey No.211/3 as per the sale deed in Document No.2863 of 1977 dated 26.09.1977 and consequently directing the third respondent to survey and fix the boundaries in the said property, within the stipulated time fixed by this Court.

For Petitioner	: Mr.J.Jeyakumaran
For RR 1 to 3	: Mr.C.Ramesh Special Government Pleader
For R - 4	: Mr.P.R.Prithiviraj for Mr.D.Sadiq Raja

ORDER

The petitioner has filed the present Writ Petition to issue a Writ of Mandamus, directing the second respondent to consider the representation of the petitioner dated 04.03.2020 and issue patta in favour of his property in Survey No.211/3 as per the sale deed in Document No.2863 of 1977 dated 26.09.1977 and consequently, directing the third respondent to survey and fix the boundaries in the said property, within the stipulated time fixed by this Court.

2.According to the petitioner, out of 27 cents of land, he purchased a land to an extent of 5-3/4 cents in Survey No.211/3



situated at Seemanoothu Village, Usilampatti Taluk, Madurai District from one Palsamy. Thereafter, his vendor sold the remaining portion of the land to several persons and the said survey number was subdivided as Survey Nos.211/3J and 270/1 and the second respondent issued patta to an extent of 3-1/2 cents, instead of 5-3/4 cents. In spite of the repeated request, the said mistake has not been rectified by the authorities. In the mean time, the second respondent issued a joint patta to the petitioner along with one Kala, who is the fourth respondent herein. The said Kala has filed an appeal before the first respondent challenging the issuance of joint patta. The first respondent, without conducting any enquiry, cancelled the issuance of joint patta vide proceedings dated 21.02.2020. Hence, the petitioner sent a representation dated 04.03.2020 to the first respondent to issue separate patta to him and to direct the third respondent to survey the land. Since no action has been taken on the said representation, the petitioner has filed the present Writ Petition.

3.The learned counsel appearing for the fourth respondent submitted that the Revenue Divisional Officer has conducted enquiry and rejected the claim of the petitioner for granting individual patta. Therefore, the claim of the petitioner cannot be considered by the Tahsildar without challenging the aforesaid order of the Revenue Divisional Officer.

4.The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the application of the petitioner would be considered on merits and in accordance with law and also in the light of the order passed by the Revenue Divisional Officer in a perspective manner.

5.In view of the submissions made by the learned counsel appearing on either side, this Court, without expressing any opinion on the merits of the matter, directs the second respondent / the Tahsildar to consider the representation of the petitioner dated 04.03.2020 and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner as well as the fourth respondent.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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 Revenue Divisional Officer,
Usilampatti Taluk,
Madurai District.
- 2.The Tahsildar,
Usilampatti Taluk,
Madurai District.
- 3.The Surveyor,
Uthappa Naiyakanoor Firka,
Usilampatti,
Madurai District.

Order made in
W.P. (MD)No.5476 of 2020
Dated:17.08.2020

ps
SDS (03.09.2020) 3P-4C