



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2020

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. (MD) No.7062 of 2020

Mahartheer Mohamed

... Petitioner

vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.Revenue Divisional Officer/Sub Collector,
Paramakudi Taluk,
Ramanathapuram District,
Ramanathapuram.

3.Tahsildar,
Muthukulathur Taluk,
Ramanathapuram District,
Ramanathapuram.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 3rd respondent to implement the order of the 2nd respondent dated 28.09.2018 in Ba.Mu.B3(2)/349/2018 by conducting enquiry as pr the direction of the 2nd respondent and to issue patta in respect of S.No.231/2A (88 cents) and 231/2C (36 cents), Sellur Village, Muthukulathur Taluk, Ramanathapuram in favour of the petitioner.

For Petitioner : Mr.T.Antony Arulraj

For Respondents : Mr.C.M.Mari Chelliah Prabhu, AGP

ORDER

By this writ petition, the petitioner seeks implement the order dated 28.09.2018 passed by the 2nd respondent, cancelling the patta issued in favour of one Thangaraj. The order also contemplates holding of enquiry and passing of appropriate order before issuing patta in favour of the petitioner.



2.It is the contention of the petitioner that despite lapse of almost two years, no further proceedings have taken place and therefore, the petitioner sent representation by communication dated 17.03.2020 to the 3rd respondent who asked the petitioner to serve notice through e-service, which the petitioner had also applied. However, till dated, no orders have been passed.

3.On behalf of the respondent, the learned Additional Government Pleader submits that unless notice has been issued, no orders can be passed in this writ petition. He further submits that the petitioner has not stated whether any appeal is pending against the order dated 28.09.2018 of the 2nd respondent.

4.I have heard the arguments of the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

5.The petitioner is merely asking for implementation of order dated 28.09.2018. In case, that order has not been appealed till date, there is no harm in proceeding further with the directions contained therein. The 3rd respondent is therefore directed to conduct an enquiry by inviting the attention of all the concerned authorities and parties and pass appropriation orders. In case, the petitioner is entitled to patta, the respondents may issue patta. The said exercise shall be completed by the 3rd respondent, within a period of three weeks from the date of receipt of a copy of this order.

6.This writ petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar ()

// 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.



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- 3.Tahsildar,
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