



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2020

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.7363 of 2020

and

W.M.P. (MD) No.6810 of 2020

S.Muthuchamy

... Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The District Revenue Officer,
Sivagangai District.

3.The Revenue District Officer,
Sivagangai.

4.The Tahsildar,
Kalayarkovil Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 4th respondent herein to conduct survey, measurement, fix the boundaries and issue patta for 5.60 acres belonging to the petitioner comprised in larger extent in S.No.87/1 Ko.Perungaral Group, Mallal Hamlet, Kalayarkovil Taluk, Sivagangai District, as per the representation of the petitioner dated 14.01.2020, within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.S.Srinivasa Raghavan

For Respondents : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

ORDER

This writ petition is filed to direct the 4th respondent to conduct survey, measurement, fix the boundaries and issue patta for 5.60 acres belonging to the petitioner in S.No.87/1 at



Ko.Perungaral Group, Mallal Hamlet, Kalayarkovil Taluk, Sivagangai District.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, the property measuring to an extent of 5.60 acres, which is comprised in a larger extent of 14.31.0 Hectares, is belonging to him and his brother, Baluchamy. A joint patta in Joint Patta No.442 of the said property stands in the name of the petitioner as well as 14 persons. Except the petitioner and his brother, the other joint pattadars through a power of attorney agent sold their respective shares of the property to a third party by a registered sale deed dated 08.07.2004 vide Doc.No.2443/2004 on the file of the Sub Registrar, Manamadurai. The remaining extent of property ie., 5.60 acres now stands in the name of the petitioner and his brother.

4.Both the petitioner as well as his brother, Baluchamy made an application to the 1st respondent on 14.01.2020 for issuing separate patta to the said property in their names. While so, few joint pattadars made an objection earlier before the 2nd respondent and the same has also now been withdrawn by them. Therefore, according to the petitioner, there is no legal impediment for granting separate patta in the name of the petitioner and his brother. But, the 4th respondent had not issued any separate patta, though the 3rd respondent in his proceedings dated 31.12.2004 had already directed the petitioner to approach the 4th respondent to get separate patta in favour of the petitioner and his brother. Hence, having left with no other alternative, the present writ petition has been filed.

5.The learned Additional Government Pleader would submit that the petitioner's representation dated 14.01.2020 would be considered on merits and in accordance with law, within a time frame to be fixed by this Court.

6.Considering the submissions made on either side, this Court, without expressing any opinion on the merits of the petitioner's case, directs the 4th respondent to consider the petitioner's representation dated 14.01.2020 on merits and in accordance with law and pass appropriate orders, within a period of 12 weeks from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioner and the interested parties, if any.

<https://hcservices.ecourts.gov.in/hcservices/> Petition is disposed of, with the above direction.



WP(MD)No.7363 of 2020

No costs.
closed.

Consequently, connected miscellaneous petition is

Sd/-

Assistant Registrar(CS)

WEB COPY

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

mm

To

- 1.The District Collector,
Sivagangai District.
- 2.The District Revenue Officer,
Sivagangai District.
- 3.The Revenue District Officer,
Sivagangai.
- 4.The Tahsildar,
Kalayarkovil Taluk,
Sivagangai District.

W.P. (MD) No.7363 of 2020

07.07.2020

SPU(14.07.2020) 3P 5C