



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.12092 of 2019

K.Pandiyalakshmi

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Tiruppuvanam Taluk,
Sivagangai District.

3.Muthumari

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondent No.2 to issue patta in favour of the third respondent in Survey No.81/1D in Tirupachethi North, Tiruppuvanam Taluk, Sivagangai District.

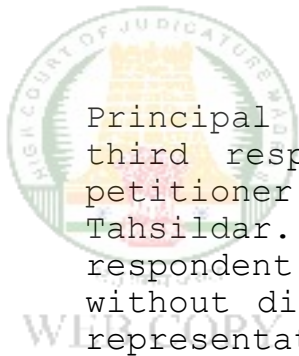
For Petitioner : Mr.R.Venkatesan
For R1 and R2 : Mr.P.Kannithevan
Additional Government Pleader

ORDER

This Writ Petition is filed to forbear the second respondent to issue patta in favour of the third respondent in Survey No.81/1D in Tirupachethi North, Tiruppuvanam Taluk, Sivagangai District.

2.Heard Mr.R.Venkatesan, learned counsel appearing for the petitioner and Mr.P.Kannithevan, learned Additional Government Pleader appearing for the first and second respondents.

3.According to the petitioner, she is the owner of the land in Survey No.81/1D measuring an extent of 40 cents situated at Tirupachethi North, Tiruppuvanam Taluk, Sivagangai District, wherein she cultivated coconut trees. The said land in Survey No.81/1D was subdivided into 1A, 1B, 1C and 1D in the name of Velupillai(1A), Rajamani(1B), Muthupillai(1C) and Rakayee(1D). In the year 1985, in UDR survey, it was wrongly entered that 1D belongs to Rajamani and Velupillai respectively. Therefore, the petitioner gave a representation to the first respondent and also RDO for cancellation of patta. In such circumstances, the Special Tahsildar, National Highways, acquired the petitioner's land to an extent of 970 sq.mts. In this regard, she filed a suit in O.S.No.104 of 2018 before the



Principal District Munsif Court, Manamadurai, for forbearing the third respondent not to disturb the peaceful possession of the petitioner's property, except the land acquired by the Special Tahsildar. The said suit is pending. In the mean time, the third respondent is trying to get patta from the second respondent, without disclosing the said fact. Therefore, the petitioner sent a representation dated 13.05.2019. Since no action has been taken, the petitioner is before this Court.

4.The learned Additional Government Pleader appearing for the first and second respondents, on instructions, would submit that he has placed a copy of the letter, dated 13.08.2020, wherein, it has been stated that the Tashildar, Thiruppuvanam, has submitted a detailed report in his letter No.Na.Ka.A3/510/2020, dated 29.02.2020 to the Revenue Divisional Officer, Sivagangai, and the same is pending. He further submitted that the Revenue Divisional Officer is the competent authority to consider the grievance of the petitioner, but, the said Revenue Divisional Officer, Sivagangai, is not a party in this writ petition. Therefore, if the petitioner has made a representation to the RDO, the same will be considered.

5.In view of the above, this Court directs the petitioner to submit a copy of the representation dated 13.05.2019 to the Revenue Divisional Officer, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the Revenue Divisional Officer shall consider the said representation and pass appropriate orders on merits and in accordance with law, by taking note of the report submitted by the Tahsildar, Thiruppuvanam, after providing opportunity to the parties concerned, as expeditiously as possible.

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

Sd/-

Assistant Registrar ()

// 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,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Tiruppuvanam Taluk,
Sivagangai District.

3.The Revenue Divisional Officer,
Sivagangai.

W.P. (MD) No.12092 of 2019
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