



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.09.2020

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THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P.(MD) No.12581 of 2020

Thirumani Dharmaraj

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Thiruchendur, Thoothukudi District.

2.The Tahsildar,
Sathankulam Taluk,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to issue patta in the name of the petitioner for an extent of 5 Acres 50 cents in Survey No.183/3 situated at Arasoor - II Village, Sathankulam Taluk, on the basis of his application dated 25.01.2016, which was forwarded by the first respondent through his proceedings in Na.ka.A1/635/2016, dated 29.03.2016 by taking into consideration of the direction issued by this Court in S.A.No.1168 of 1996, dated 10.03.2011.

For Petitioner

: Mr.D.Venkatesh

For Respondents

: Mr.C.Ramesh,

Special Government Pleader

ORDER

This writ petition is filed to direct the second respondent to issue patta in the name of the petitioner in Survey No.183/3, measuring an extent of 5 Acres 50 cents, situated at Arasoor - II Village, Sathankulam Taluk, on the basis of the petitioner's application dated 25.01.2016, which was forwarded by the first respondent through his proceedings in Na.ka.A1/635/2016, dated 29.03.2016 by taking into consideration of the direction issued by this Court in S.A.No.1168 of 1996, dated 10.03.2011.

2. Mr.C.Ramesh, learned Special Government Pleader takes notice for the respondents. By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The learned counsel appearing for the petitioner would submit that the petitioner made an application on 25.01.2016, before the first respondent seeking patta for petition mentioned property. The first respondent has forwarded the same to the second respondent to take necessary action by his proceeding dated 29.03.2016. But so far no action has been taken. Hence the petitioner filed this present writ petition. He also submitted that the Second Appeal in



S.A.No.1168 of 1996 disposed on 10.03.2011, there is no legal impediment to grant patta in favour of the petitioner.

4.The learned Special Government Pleader appearing for the respondents would submit that the petitioner's representation dated 25.01.2016 would be considered on merits and in accordance with law, within a time frame to be fixed by this Court.

5.In agreement with the submission made by the learned Special Government Pleader, without expressing any opinion on the merits of the case, this Court is inclined to pass the following direction:-

(i) The second respondent is directed to consider the petitioner's representation dated 25.01.2016 and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner and the rival parties, if any. If there is any objection from the rival parties, the respondent shall conduct the enquiry and communicate the decision to the parties concerned.

(ii) The aforesaid exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CO)

// 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 Revenue Divisional Officer,
Thiruchendur, Thoothukudi District.

2.The Tahsildar,
Sathankulam Taluk, Thoothukudi District.

+1 CC to M/s.GP (SR-18250[F] dated 28/09/2020)

W.P. (MD) No.12581 of 2020
25.09.2020

SCR(CO)

AP(01/10/2020) 2P 4C

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