



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2020

CORAM

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

W.P. (MD).No.13549 of 2020

V.Karuppaiah

.. Petitioner

Vs.

1.The District Collector,
O/o, District Collector,
Madurai District.

2.The Revenue Divisional Officer,
O/o, Revenue Divisional Office,
Madurai,
Madurai District.

3.The Tahsildar,
Madurai West Taluk,
Virattipathu,
Madurai District - 625 016.

.. Respondents

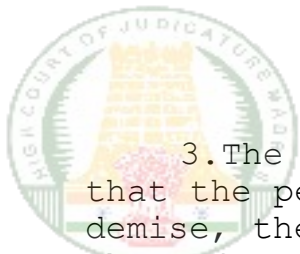
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondent No.3 to issue patta in favour of the petitioner to his lands which are situated in Survey No.73/1A, 73/2A, 73/3A, 73/1B and 73/2B situated at Vadapalanji Village, Madurai West Taluk, Madurai District on the basis of the proceedings of Respondent No.2 in O.Mu.No.138/2017/EN, dated 31.03.2017, within the time frame stipulated by this Hon'ble Court.

For Petitioner	: Mr.J.Pandi Dorai
For Respondents	: Mr.M.Pandiyarajan Additional Government Pleader

ORDER

This Writ Petition is filed for issuance of a Writ of Mandamus directing the third respondent to issue patta in favour of the petitioner to his lands which are situated in Survey Nos.73/1A, 73/2A, 73/3A, 73/1B and 73/2B situated at Vadapalanji Village, Madurai West Taluk, Madurai District on the basis of the proceedings of the second respondent in O.Mu.No.138/2017/EN, dated 31.03.2017, within the time frame stipulated by this Court.

2.Heard the learned Counsel appearing for the petitioner and Mr.M.Pandiyarajan, learned Additional Government Pleader appearing for the respondents. By consent of both parties, this Writ Petition is disposed of at the admission stage itself.



3.The learned Counsel appearing for the petitioner submitted that the petitioner's father passed away on 12.10.1996 and after his demise, the petitioner and his mother are the surviving legal heirs. Thereafter, on 11.02.2010 the petitioner's mother also passed away leaving him as their sole legal heir and to that effect the third respondent has issued a legal heirship certificate on 30.07.2010 vide Pa.Mu.No.11826/2010/E5. He further submitted that before marrying the mother of the petitioner, the petitioner's father married on Mrs.Poochammal and through her he had a son by name Mr.Rasu Thevar. The said Rasu Thevar and his wife Mrs.Thaiyammal passed away even before the death of the petitioner's father namely 19.04.1994. Therefore, the petitioner is the only surviving legal heir of his father and he is in possession of the lands in Survey Nos.73/1A, 73/2A, 73/3A, 73/1B and 73/2B situated at Vadapalanji Village, Madurai West Taluk, Madurai District and no rival claimants for the said land. Therefore, the petitioner made a representation to the respondents to issue patta on 09.01.2017. Considering the said representation, the second respondent issued a proceedings vide O.Mu.No.138/2017/EN, dated 31.03.2017 to the third respondent to take appropriate steps and intimate the same to the petitioner and the second respondent. Since, there is no response from the third respondent, the petitioner has come forward with the above Writ Petition.

4.Considering the facts and circumstance of the case and without going into the merits of the matter, this Court is inclined to issue the following direction:

"The authority concerned shall decide the issue after hearing the petitioner and other parties, who are interested, and pass appropriate orders on in accordance with law within a period of three months from the date of receipt of a copy of this order.

5.The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM



To

1.The District Collector,
O/o, District Collector,
Madurai District.

2.The Revenue Divisional Officer,
O/o, Revenue Divisional Office,
Madurai,
Madurai District.

3.The Tahsildar,
Madurai West Taluk,
Virattipathu,
Madurai District - 625 016.

+1 CC to Mr.J. PANDI DORAI, Advocate (SR-19189[F] dated 06/10/2020)

+1 CC to SPL GP (SR-19179[F] dated 06/10/2020)

ORDER MADE IN
W.P. (MD) .No.13549 of 2020
05.10.2020

VB (13.10.2020) 3P 6C