



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2020

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

W.P. (MD).No.13536 of 2020

Kumarandi

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Thirumangalam,
Madurai District.

2.The Tahsildar,
Kallikudi Taluk,
Madurai District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first respondent to conclude the revision petition dated 08.11.2019 praying for cancellation of patta pertaining to Survey No.46/7 and 46/8 situated at T.Kokkulam Village, Madurai District within a stipulated time and to pass orders in the said revision petition preferred by the petitioner within a stipulated time as fixed by this Court after affording opportunity to all the parties interested.

For Petitioner : Mr.N.Anandakumar

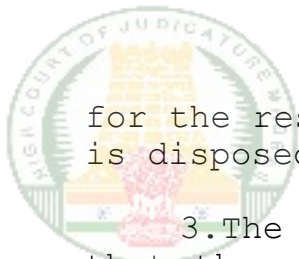
For Respondents : Mr.M.Pandiyarajan
Additional Government Pleader

O R D E R

This Writ Petition is filed for issuance of a Writ of Mandamus directing the first respondent to conclude the revision petition dated 08.11.2019 praying for cancellation of patta pertaining to Survey No.46/7 and 46/8 situated at T.Kokkulam Village, Madurai District within a stipulated time and to pass orders in the said revision petition preferred by the petitioner within a stipulated time as fixed by this Hon'ble Court after affording opportunity to all the parties interested.

2.Heard the learned Counsel appearing for the petitioner and Mr.M.Pandiyarajan, learned Additional Government Pleader appearing

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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 and his brother Subbiyan have purchased a land to an extent of 6 acres in undivided Survey No.46/2 of T.Kokkulam Village from one Karuppanan and Mahalingam on 01.08.1991 for a sale consideration of Rs.21,600/- and the sale deed was registered before the Sub Registrar, Thirumangalam. After the purchase, the petitioner and his brother Subbaiyan are in enjoyment of the said land which is classified as Tharisu. In the said land, they have dug a well and obtained electricity connection and they have also planted nearly 100 neem trees, coconut trees and Guava trees. It is further submitted that the petitioner and his brother have constructed two houses and are living therein. However, they were unable to get patta for the same. Hence, he filed a Writ Petition in W.P.(MD)No.15773 of 2019 seeking direction to the respondents to issue patta to the Punja Lands to the petitioner and his brother in R.S.No.46/2 and 46/6 of T.Kokkulam Village, Kallikudi Taluk, Madurai District which is classified as Tharisu based on his representation dated 11.05.2019. The said Writ Petition was disposed of by directing the petitioner to approach the first respondent therein who is the competent authority for the reclassification and for issue of patta for the petitioner's land in R.S.No.46/2 and 46/6 of T.Kokkulam Village.

4.Pursuant to the order of this Court, the petitioner sent a representation on 08.11.2019 to the first respondent herein for cancellation of patta in respect of his land which was subdivided as Survey No.46/7 and 46/8 after UDR . In this regard, the first respondent on 29.11.2019 issued a proceedings vide No.Oo.Mu.No.2358/2019 directing the second respondent to conduct an enquiry and to file a report. Thereafter, the second respondent conducted an enquiry but due to his transfer, the report was not filed before the first respondent. Even the successor of the second respondent has not filed the report before the first respondent till date. Hence, the petitioner has come forward with this Writ Petition.

5.From perusal of the records, it is very unfortunate that knowing that another person has got patta which is sought to be cancelled, the petitioner has not made him as party. The conduct of the petitioner is highly deprecated since it is going to affect the case of that party. Therefore, the authority concerned shall decide the issue after hearing the petitioner and other parties, who are interested, and pass appropriate orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.



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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

To

1.The Revenue Divisional Officer,
Thirumangalam,
Madurai District.

2.The Tahsildar,
Kallikudi Taluk,
Madurai District.

+1 CC to Spl GP (SR-19181[F] dated 06/10/2020)

ORDER MADE IN
W.P. (MD) .No.13536 of 2020
05.10.2020

VB (12.10.2020) 3P 4C