



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated 16.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.13967 of 2020

and W.M.P. (MD) No.11627 of 2020

K.Duraipandi

... Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The District Revenue Officer,
Sivagangai District.

3.The Tahsildar,
Thiruppuvanam Taluk
Sivagangai District.

4.Ayyanar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to issue patta in favour of the petitioner, regarding the petitioner's house property along with house in extent of 3-1/2 cents in Original Survey No.167/4B3, in New Survey No.215/9, in E.B.Connection No.435-014-217 at Thattankulam Village, Kalugarkadai Group, Thiruppuvanam Taluk, Sivagangai District within a time frame that may be stipulated by this Court.

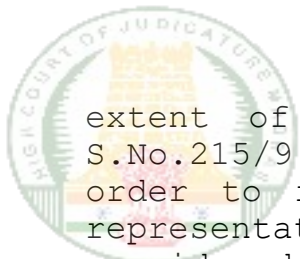
For Petitioner : Mr.R.Udhayakumar

For Respondents : Mr.M.Pandiyarajan for R1 to R3
Additional Government Pleader
Mr.M.Maran for R4

O R D E R

The writ petition has been filed for a direction to the 3rd respondent to issue patta in favour of the petitioner, regarding the petitioner's house property along with house to an extent of 3½ cents in Original Survey No.167/4B3 in New Survey No.215/9 in E.B.Connection No.435-014-217 at Thattankulam Village, Kalugarkadai Group, Thiruppuvanam Taluk, Sivagangai District within a time frame that may be stipulated by this Court.

2.According to the petitioner, the property in S.No.167/4 to an extent of 10½ cents belong to the petitioner's family and they are in possession and enjoyment of the same. However, the respondents have wrongly entered the patta in patta No.351 in favour of the petitioner's vendor and subdivided the survey No.167/4B3 to an



extent of 0.04.0 Ares as Ryot Punjai land and created a new S.No.215/9 (Old S.No.167/4B3). Subsequently, the petitioner, in order to rectify the same, approached the respondents by way of representation. Since the said representation has not been considered, the petitioner approached this Court by filing W.P.(MD) No.7651/2020. Pursuant to the direction of this Court, the respondents issued patta to the petitioner, however, with regard to 7 cents alone out of 10½ cents, leaving 3½ cents. Aggrieved by the said order, the petitioner sent a representation to the respondents on 04.08.2020. However, the respondents, instead of transferring patta in the name of the petitioner, transferred in the name of the fourth respondent, who is the tenant of the petitioner herein, on the basis of the Electricity bill. Hence, the petitioner preferred a representation on 30.09.2020. Since neither the said representation has been considered nor patta has been issued in respect of the remaining 3 ½ cents, the petitioner is before this Court with the aforesaid relief.

3.The learned Additional Government Pleader, on instructions, would submit that the case of the petitioner is pending before the Revenue Divisional Officer concerned.

4. In view of the said submission, the Revenue Divisional Officer is expected to conduct an enquiry and take a final decision with regard to the property referred to supra. Such exercise shall be completed within a period of 120 days from the date of receipt of a copy of this order. It is made clear that before passing orders, the Revenue Divisional Officer shall hear necessary parties including the petitioner and the fourth respondent and others, who are interested.

5. The writ petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CSIII)

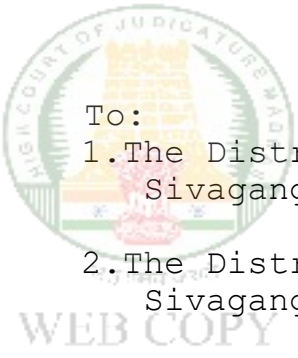
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/ /2021

Sub Assistant Registrar(CS)

RR

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.
- 2.The District Revenue Officer,
Sivagangai District.
- 3.The Revenue Divisional Officer,
Sivagangai District.
- 4.The Tahsildar,
Thiruppuvanam Taluk
Sivagangai District.

+1CC to M/s.SPL GP,SR.No.26077 dated 17/12/2020

W.P. (MD) No.13967 of 2020
16.12.2020

SS (CO)
KB(19.01.2021) 3P 6C