



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.14256 of 2020

V.Govindan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Thirumangalam,
Madurai District.

2.The Tahsildar,
O/o.the Tahsildar,
Thirumangalam Taluk,
Madurai District.

3.Lakshmiammal

.. Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the first respondent to conduct enquiry and restore the patta in favour of the petitioner within the time stipulated by this Court.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondents	: Mr.M.Pandiya Rajan Additional Government Pleader

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the first respondent to conduct enquiry and restore the patta in favour of the petitioner within the time stipulated by this Court.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel for the petitioner as well as Mr.M.Pandiya Rajan, learned Additional Government Pleader, who accepts notice on behalf of the respondents. Since no adverse order is going to be passed against the third respondent, notice to the third respondent is dispensed with.



4. The case of the petitioner is that the petitioner had purchased a land in Survey No.35/1B, to an extent of 13.5 cents situated at 88, Melakottai Village, Thirumangalam Taluk, Madurai District on 13.09.2013 from one Pasupathi and sale deed was also registered in Reg. No.6591/2013 in the Sub Registrar Office, Thirumangalam, Madurai District. In the meantime, when the petitioner downloaded e-patta in the month of February, 2020, he found that the said land stands in the name of the third respondent and hence, for clarification, he applied for encumbrance certificate for the said land, which was holding the petitioner's name as the owner. In this regard, the petitioner sent a representation dated 23.09.2020 to the respondents. However, the same has not been considered so far. In such circumstances, the petitioner has approached this Court.

5. Learned Additional Government Pleader appearing for the respondents would submit that on 19.01.2018 itself, the Revenue Divisional Officer, Usilampatti has already taken a decision in this regard and permitted the aggrieved parties, like the petitioner to appeal before the concerned District Revenue Officer within 30 days.

6. At this juncture, the learned counsel for the petitioner contended that the petitioner has not been communicated the said order dated 19.01.2018.

7. In view of the above, the first respondent is permitted to serve a copy of the same to the petitioner in order to enable him to file an appeal before the concerned District Revenue Officer. If the first respondent is able to establish the fact that the order has already been despatched and received by the petitioner, the petitioner will have to explain the delay in approaching the Appellate Authority. In view of the same, no further orders are required in the present writ petition.

8. Accordingly, this writ petition is closed. No Costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



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,
O/o.the Revenue Divisional Officer,
Thirumangalam,
Madurai District.

2.The Tahsildar,
O/o.the Tahsildar,
Thirumangalam Taluk,
Madurai District

+1 CC to Mr.T. LAJAPATHI ROY, Advocate (SR-23045[F] dated 27/11/2020)

+1 CC to SGP (SR-23336[F] dated 30/11/2020)

**W.P. (MD)No.14256 of 2020
26.11.2020**

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