



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.14916 of 2020

A.Ponnammal

By her Power Agent

R.Selvaraj

... Petitioner

-Vs-

The Tahsildar,

Thoothukudi Taluk Office

Thoothukudi District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus to direct the respondent to implement the order in W.P.(MD) No.13444 of 2012 dated 15.11.2016 by conducting the enquiry and consequently issue patta to the petitioner in Survey No.1521/2A1B, with an extent of 2 Acres 1 Cent at Melavittan Village Part I, Thoothukudi Taluk, Thoothukudi District within a time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash

For Respondent : Mr.S.Angappan

Government Advocate

ORDER

This writ petition has been filed to direct the respondent to implement the order in W.P.(MD) No.13444 of 2012 dated 15.11.2016 by conducting the enquiry and consequently issue patta to the petitioner in Survey No.1521/2A1B, with an extent of 2 Acres 1 Cent at Melavittan Village Part I, Thoothukudi Taluk, Thoothukudi District within a time stipulated by this Court.

2.The case of the petitioner is that the land belong to the petitioner in S.No.1521/2A1 has been subdivided to 1521/2A1A and 1521/2A1B with 2.01 acres each without any notice to the petitioner. When the petitioner has not sold any of the property in favour of third parties, the action of the respondent in subdividing the land is bad in law and hence, cancelling the patta wrongly given to the third parties, by impleading the necessary parties, the petitioner filed W.P.(MD) No.13444/2012 before this Court and this Court, by order dated 15.11.2016, disposed of the said writ petition by directing the respondents therein to conduct enquiry thereon on the representation of the petitioner and pass orders within eight weeks from the date of the order. However, even after several



representations, the case of the petitioner has not been considered and the patta wrongly issued in favour of the third parties has not been cancelled, which forced the petitioner to file the present writ petition with the aforesaid prayer.

3. When the matter was taken up for hearing, the learned Government Advocate would submit that pursuant to the order of this Court dated 15.11.2016, enquiry has already been conducted by the Revenue Divisional Officer. It is further submitted that the petitioner has made an erroneous representation to the Tahsildar and the Tahsildar has forwarded the same to the Revenue Divisional Officer and the Revenue Divisional Officer has conducted an enquiry and further enquiry has to be conducted and the parties concerned will be heard and a decision will be taken by the Revenue Divisional Officer.

4. Considering the facts and circumstances of the case, the Tahsildar is directed to forward a copy of this order to the Revenue Divisional Officer and the jurisdictional Revenue Divisional Officer is expected to decide the issue by considering the representation of the petitioner dated 05.04.2017 within a period of four months from the date of receipt of a copy of this order. It is made clear that since the Revenue Divisional Officer is not a party to the proceedings, the Revenue Divisional Officer shall not take a stand that he is not a party to the writ petition and he is not bound by the directions of this Court.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

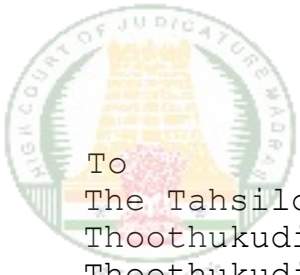
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/ /2020

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
The Tahsildar,
Thoothukudi Taluk Office
Thoothukudi District.

WEB COPY

+1 CC to M/s.GP (SR-22704[F] dated 24/11/2020)

Order made in
W.P. (MD) No.14916 of 2020
23.11.2020

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MJ(CO)
TR(21.12.2020) 3P 3C