



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.11.2020**

CORAM:

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

W.P(MD)No.15373 of 2020

WEB COPY

Anthony Madhavadiyan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.

2.The Tahsildar,
Vilathikulam Taluk,
Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second respondent to pass orders on the petitioner's patta transfer E-application taken on file as Application No.2020/0103/28/204058 dated 10.03.2020 within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff
for M/s.Ajmal Associates

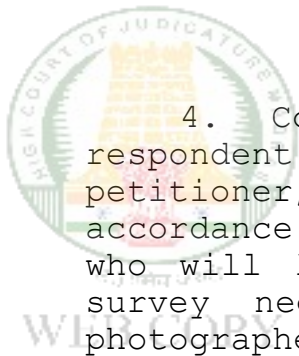
For Respondents : Mr.M.Muniyasamy
Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a direction to the second respondent to pass orders on the petitioner's patta transfer application taken on file as Application No.2020/0103/28/204058 dated 10.03.2020 within a stipulated time.

2. Mr.M.Muniyasamy, learned Additional Government Pleader takes notice for the respondents. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. The petitioner has submitted his E-application, dated 10.03.2020 to the respondents, in order to issue patta in respect of the land in Survey Nos.440/4 and 370/6 in Vilathikulam Taluk, Tuticorin District. Though the said E-applicaition was forwarded by the first respondent to the second respondent to effect patta transfer, the second respondent has not taken any action for the past seven months. In such circumstances, the petitioner has come forward with the present Writ Petition.



4. Considering the facts and circumstances, the second respondent is directed to consider the E-Application of the petitioner, dated 10.03.2020 and pass appropriate orders in accordance with law, after hearing the petitioner and the persons who will likely to be affected. In case of issuance of patta, survey needs to be conducted and the said survey shall be photographed and videographed in the presence of the petitioner and the persons who are likely to be affected and the costs of photograph and Videograph to be borne by the party seeking patta. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not decided the rights of the parties in the present Writ Petition. It is open to the respondents to decide the same. The directions given in W.P(MD).No.7746 of 2020 etc., batch dated 23.09.2020 and W.P.(MD)No.13465 of 2020 dated 05.10.2020 should be followed wherever it is applicable. In case any Civil Suit is already pending, there is no need for measuring the land in question, as it is for the Civil Court to decide the matter. After the order of this Court any suit is filed, the officials hands are not tied to carry out the directions mentioned in the aforesaid two orders, as there is a possibility of one or other party to move the Court later and to stall the proceedings before the revenue authorities. Only exception is if an interim order operates against the authorities.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

To

1.The Revenue Divisional Officer,
Kovilpatti,Tuticorin District.

2.The Tahsildar,
Vilathikulam Taluk,Tuticorin District.

+1 CC to M/s.GP (SR-22357[F] dated 20/11/2020)

W.P (MD) No.15373 of 2020
19.11.2020

PM(CO)

AP(14/12/2020) 2P 4C

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