



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2020

CORAM:

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

W.P. (MD)No.17389 of 2020

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Ganesan

... Petitioner

-vs-

1.The Secretary to Government,
Revenue Department,
Chennai-9.

2.The Commissioner of Land Administration/
Additional Chief Secretary,
Ezhilagam, Chepauk, Chennai.

3.The District Collector,
Thoothukudi District.

4.The Revenue Divisional Officer,
Thiruchendur,
Thoothukudi District.

5.The Tahsildar,
Tiruchendur Taluk,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the third respondent to consider the petitioner's representation given to rectify the error made in the patta No.3736 issued in favour of the Tiruchendur Parliamentary Adi Dravidar Welfare Association to an extent of 0.29.77 hectares instead of 0.32.0 heactares (74 cents instead of 79 cents) within the period that may be stipulated by this Court.

For Petitioner
For Respondents

: Mr.R.Gandhi
: Mr.K.P.Krishnadoss
Special Government Pleader

ORDER

This writ petition is filed, seeking issuance of Writ of Mandamus directing the third respondent to consider the petitioner's representation given to rectify the error made in the patta No.3736 issued in favour of the Tiruchendur Parliamentary Adi Dravidar Welfare Association to an extent of 0.29.77 hectares instead of 0.32.0 heactares (74 cents instead of 79 cents) within the stipulated time.



2. Heard the learned Counsel appearing for the petitioner and Mr.K.P.Krishnadoss, learned Special Government Pleader, who took notice for the respondents. By consent of both parties, the Writ Petition is disposed of at the admission stage itself.

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3. It is represented by the learned counsel appearing for the petitioner that the petitioner is the President of "Tiruchendur Parliamentary Adi Dravidar Welfare Association", which is registered under the Societies Registration Act, 2004. The former President of the said Association had purchased a land measuring to an extent of 79 cents in Survey No.259A/5A, 259A/6B and 260A/2 for a sum of Rs.22,713/- from the Railways Department to construct a Community Hall/Kalyana Mandapam for the welfare of Adi Dravidar people. Since the petitioner Association wanted to construct community hall in the said land, they approached the fifth respondent to grant patta in favour of the Association. Thereafter, the fourth respondent has recommended the third respondent and based on the recommendation made by the fourth respondent, the third respondent has forwarded his recommendation to the respondent Nos.1 and 2 vide his proceedings R.O.C.D1-23782-09. After considering the recommendations, the first respondent has issued G.O.Ms.No.456, Rev LD1(2), dated 13.10.2014 directing the second and third respondents to take further action to re-classify the land and to issue patta to an extent of 79 cents. Based on the G.O, the second respondent has also sent a letter No.F3/30530/2012 to the third respondent to take necessary steps who in turn forwarded the same to the District Revenue Officer for taking necessary action. In turn, the District Revenue Officer has directed the fifth respondent to take appropriate action for the transfer of patta in the revenue records. The fifth respondent has recommended for transfer of patta and forwarded the same to the third respondent for necessary consent on his side. Therefore, the petitioner gave representation to the third respondent to issue patta as per the Government Order issued by the first respondent. Since no action has been taken by the third respondent, the petitioner filed W.P(MD).No.20058 of 2015 and the same was disposed of with a direction to consider the petitioner's representation. In pursuance of the said order, patta was issued vide patta No.3736 in favour of the petitioner Association mentioning the extent of 0.29.77 hectares instead of 0.32.0 hectares (74 cents instead of 79 cents). Aggrieved over the same, the petitioner made a representation to the third respondent to reissue patta to an extent of 79 cents. Thereafter, no action has been taken. Hence, the petitioner has approached this Court.

4. Considering the facts and circumstances of the case, the third respondent is directed to consider the representation of the petitioner dated 20.07.2020 and pass orders in accordance with law and in the light of the judgment made in W.P.(MD)No.14135 of 2020, dated 12.10.2020, after affording an opportunity of hearing to the concerned parties.



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

Sd/-

Assistant Registrar (AE)

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To

1.The Secretary to Government,
Revenue Department,
Chennai-9.

2.The Commissioner of Land Administration/
Additional Chief Secretary,
Ezhilagam, Chepauk, Chennai.

3.The District Collector,
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4.The Revenue Divisional Officer,
Thiruchendur,
Thoothukudi District.

5.The Tahsildar,
Tiruchendur Taluk,
Thoothukudi District

+1 CC to M/s.R. GANDHI, Advocate (SR-23730[F] dated 02/12/2020)

+1 CC to SGP (SR-23933[F] dated 03/12/2020)

W.P (MD) No.17389 of 2020

02.12.2020

MJ (CO)

NR (17/12/2020) 3P : 8C