



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.17575 of 2020

M.Kasthuri

... Petitioner

Vs.

1.The District Collector,
Tuticorin District, Tuticorin.

2.The Revenue Divisional Officer,
Kovilpatti
Tuticorin District.

3.The Tahsildar,
Taluk Office
Ottapidaram
Tuticorin District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 2nd and 3rd respondents to issue joint patta in the name of the petitioner and Arumugakani for survey No.505/4 Patta No.1269 for the extent of 1.21.5 Hec punjai total extent of 3 acres, within time stipulated by this Court.

For Petitioners : Ms.K.M.Pricilla Jancy

For Respondents : Mr.M.Muniyasamy
Additional Government Pleader

ORDER

The writ petition has been filed for a mandamus to direct the 2nd and 3rd respondents to issue joint patta in the name of the petitioner and Arumugakani for survey No.505/4 Patta No.1269 for the extent of 1.21.5 Hec punjai total extent of 3 acres, within time stipulated by this Court.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who takes notice for the respondents.

3.The case of the petitioner is that for want of joint patta for the property comprised in S.No.505/4 Patta No.1269 for the extent of 1.21.5 Hec punjai total extent of 3 acres, the petitioner has filed a representation dated 23.11.2020 to the



respondents. However, since the said representation has not been considered, the petitioner is before this Court with this writ petition.

4. It is seen that the petitioner has not added Arumuga Konar as a party to the proceedings. Whether the petitioner would be entitled to joint patta or not needs to be decided only after hearing the necessary party. That apart, the petitioner has made a representation only on 23.11.2020. Even before it would reach the authorities/papers are placed before the authorities, the present writ petition has been filed.

5. In view of the above, the writ petition is disposed of by directing the respondents 2 and 3 to consider the representation of the petitioner in accordance with law and decide the same with regard to grant of joint patta by following the guidelines issued by this Court in W.P(MD)No.7746 of 2020, dated 29.03.2020 for the issuance of patta. The directions therein should be followed without any violation. The respondent Tahsildar shall take a decision at the earliest point of time, within a period of three months from the date of receipt of a copy of this order.

6. Even though no prejudice is going to be caused in adding the parties, who may be necessary to the proceedings, the petitioner failed to implead those persons. Having approached the Court immediately after sending the representation and without even waiting for the representation could reach the respondents, the petitioner has approached this Court and hence, this Court is of the opinion that it is a fit case, where cost can be imposed on the petitioner. Accordingly, a sum of Rs.2,500/- (Rupees two thousand five hundred only) is imposed on the petitioner, which is to be paid to Rojavanam, Old Age Home, Uthangudi, Madurai on or before 24.12.2020 and the petitioner shall produce the receipt evidencing payment before the respondents. On such production of receipt, the respondents 2 and 3 shall consider the representation of the petitioner for issuance of joint patta and if the cost is not paid, no decision needs to be taken on the representation of the petitioner dated 23.11.2020. No costs.

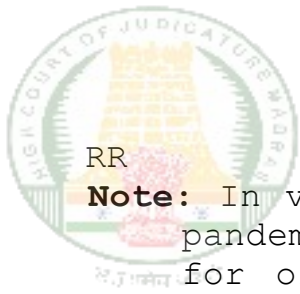
Sd/-

Assistant Registrar (AS)

// True Copy //

/ /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:

- 1.The District Collector,
Tuticorin District, Tuticorin.
- 2.The Revenue Divisional Officer,
Kovilpatti
Tuticorin District.
- 3.The Tahsildar,
Taluk Office
Ottapidaram
Tuticorin District.

Copy to

The Officer Incharge,
Rojavanam, Old Age Home,
Uthangudi, Madurai.

+1 CC to Additional Government Pleader(SR-24251[F] dated
07/12/2020)

Orders made in
W.P. (MD)No.17575 of 2020

Dated:
03.12.2020

KUN(CO)
KM (22.12.2020) 3P 6C