



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **03.12.2020**

CORAM:

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

W.P (MD) No.17430 of 2020

WEB COPY

R.Ramesh

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Collectorate Buildings,
Madurai District.

2.The Tahsildar,
Office of the Tasildar,
Thirumangalam Taluk,
Madurai District.

3.The Surveyor,
Thirumangalam Taluk,
Madurai 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 consider the petitioner's application dated 25.09.2020 with the help of the third respondent.

For Petitioner : Mr.V.Ganapathy Subramanian

For Respondents : Mr.P.Kannithevan

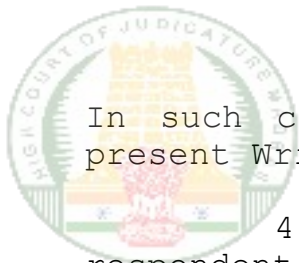
Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a direction to the second respondent to consider the petitioner's application dated 25.09.2020 with the help of the third respondent within a stipulated time.

2. Mr.P.Kannithevan, learned Additional Government Pleader takes notice for the respondents and submitted that the second respondent is not the competent authority and the Tahsildar, Kallikudi is the jurisdictional Tahsildar. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. The petitioner has submitted his application, dated 25.09.2020 to the respondents, in order to survey and issue patta in respect of the land in Survey No.306/41 to the extent of 875 sq.ft. situated at Villur village, Thirumangalam Taluk, Madurai District. But, the said representation was not considered so far.



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 forward the petitioner's application to the concerned jurisdictional Tahsildar, ie., the Tahsildar, Kallikudi forthwith, to enable him to consider the representation of the petitioner, dated 25.09.2020 and pass appropriate orders and in accordance with law, after hearing the petitioner and the persons, who will likely to be affected or the persons, who are interested. 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 batch, dated 23.09.2020 and W.P.(MD)No.13465 of 2020 dated 13.10.2020 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 (Crl Side)

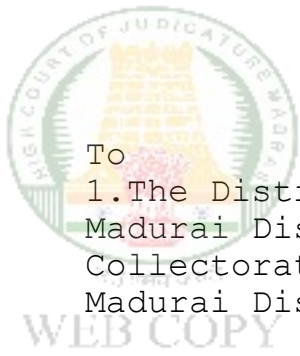
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/ /2020

Sub Assistant Registrar(CS)

PJL

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.



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1.The District Collector,
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tp (CO)

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