



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.18252 of 2020

Sagunthala

... Petitioner

-Vs-

1. The District Collector,
Office of the District Collector,
Theni.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Theni District, Theni.
3. The Tahsildar,
Uthammapalayam Taluk Office,
Uthammapalayam,
Theni District.

... Respondents

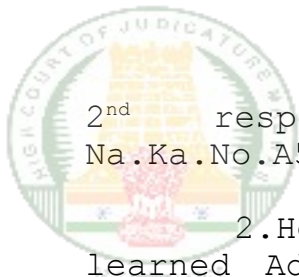
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus to direct the respondents herein to consider the petitioner's representation dated 15.09.2020 and take necessary action for issuance of patta in her favour in respect of her property comprised in S.No.773 situated in D.NO.45 Ward No.25, Konjayan Nagar, Nandhagopal Swamy Kovil Street, Cumbum Village, Theni on the basis of the proceedings issued by the 2nd respondent dated 22.10.2020 vide proceedings in Na.Ka.No.A5/44/5/2020 within the time stipulated by this Court.

For Petitioner : Mr.K.Neelamegam

For Respondents : Mr.P.Kannithevan
Additional Government Pleader

ORDER

The writ petition has been filed to direct the respondents respondents herein to consider the petitioner's representation dated 15.09.2020 and take necessary action for issuance of patta in her favour in respect of her property comprised in S.No.773 situated in D.NO.45 Ward No.25, Konjayan Nagar, Nandhagopal Swamy Kovil Street, Cumbum Village, Theni on the basis of the proceedings issued by the



2nd respondent dated 22.10.2020 vide proceedings in Na.Ka.No.A5/44/5/2020 within the 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 1 to 3.

3. According to the petitioner, seeking patta, the petitioner approached the respondents by way of representation dated 15.09.2020. Pursuant to the said representation, the 2nd respondent vide proceedings dated 22.10.2020 addressed to the Tahsildar stated that necessary action will be taken. However, since no action is forthcoming, the petitioner is before this Court with this writ petition for the aforesaid relief.

4. When the writ petition was taken up for hearing, it is represented by the learned Government Advocate that the petitioner has not impleaded the necessary parties. He would further submit that after hearing all the parties concerned, the case of the petitioner would be considered.

5. This Court is not inclined to go into the factual aspects. It is seen that the petitioner has not made others, who are going to participate in the enquiry and the communication dated 22.10.2020 is very clear that there are totally seven persons, who have to be heard including the petitioner. The conduct of the petitioner in not impleading others is not only appreciated but also deprecated. However, in view of the said submission made by both sides and in the light of the judgment in W.P.(MD) No.13465/2020, modified on 13.10.2020 as well as the guidelines issued in W.P.(MD) No.7746/2020 dated 23.09.2020, the 3rd respondent is directed to conduct survey/sub-division and issue patta, after conducting an enquiry and hearing necessary party. The said exercise shall be concluded within a period of 60 days from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1. The District Collector,
Office of the District Collector,
Theni.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Theni District, Theni.
3. The Tahsildar,
Uthammapalayam Taluk Office,
Uthammapalayam,
Theni District.

+1cc to Mr.K.Neelamegam, Advocate Sr.No.25330
+1cc to Special Government Pleader Sr.No.25441

Order made in
W.P. (MD) No.18252 of 2020

11.12.2020

SV2 (CO)

NR (19/01/2020) 3P : 6C