



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **23.12.2020**

CORAM:

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

W.P(MD)No.19205 of 2020

T.Yashodhai

... Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The District Revenue Officer,
Madurai District.

3.The Revenue Divisional Officer,
Melur Division,
Chittampatti, Madurai District.

4.The Tahsildar,
Melur Taluk, Melur,
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 respondents grant petitioner Patta in connection with Land Measuring 1.27 acres (0.51.5 hectares) located in Survey No.155/1, Navinipatti Village, Keelavalavu Revenue Circle, Melur Taluk, Madurai District, which is in our family's possession and enjoyment from 1991 till date without interruption by effectively considering petitioner's Representation dated 12/10/2020 within time frame fixed by this Court.

For Petitioner : Mr.Thiruvarutselvan.G

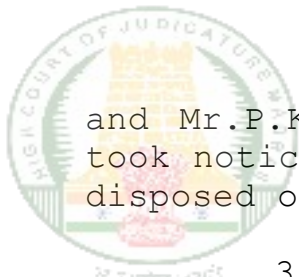
For respondents : Mr.P.Kannithevan

Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus directing the respondents to grant Patta to the petitioner in connection with land measuring to an extent of 1.27 acres (0.51.5 hectares) located in Survey No.155/1, Navinipatti Village, Keelavalavu Revenue Circle, Melur Taluk, Madurai District, which is in the possession and enjoyment of the petitioner's family from 1991 till date without interruption by effectively considering petitioner's Representation dated 12.10.2020 within the time frame fixed by this Court.

<https://hcservices.ecourts.gov.in/hcservices> 2.Hear the learned Counsel appearing for the petitioner



and Mr.P.Kannithevan, learned Additional Government Pleader, who took notice for the respondents. By consent, the Writ Petition is disposed of at the admission stage itself.

3.The learned Counsel appearing for the petitioner would submit that the father-in-law of the petitioner, namely, P.Odaiyan was in possession and enjoyment of the Government punjai land measuring to an extent of 1 Acre 27 Cents in S.No.155/1 situated at Navinipatti Village, Melur Taluk, Madurai District, from 1947 to 1979 by doing agriculture. After his demise, the petitioner has been in possession and enjoyment of the said land by paying assessment tax. While so, the Tahsildar, Melur Taluk had issued a notice on 21.11.1991 calling the petitioner to appear for an enquiry along with relevant documents available with the petitioner. In response to the said notice, the petitioner appeared before the Tahsildar, Melur Taluk on 16.12.1991 and submitted relevant records. Thereafter, no order was passed by the petitioner and hence, the petitioner made several representations seeking grant of patta in her favour in respect of the said land and the last one of which is dated 12.10.2020. Even thereafter there was no response from the respondents. Hence, the petitioner has come forward with the present Writ Petition.

4.Mr.P.Kannithevan, learned Additional Government Pleader appearing for the respondents would submit that the enquiry is going on.

5.Considering the facts and circumstances the case, the respondent concerned is directed to consider the representation of the petitioner, dated 12.10.2020 and pass appropriate orders in accordance with law, after hearing the petitioner and the persons who are 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 120 days 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.

6.If the persons like the present petitioner, who are seeking to survey the land do not disclose the other persons, who are interested, they must file an affidavit that there are no third parties involved in the issue concerned and also there are no interested parties. In case, at a later point of time if the fact came to light that there is any interested parties, the decision taken by the authority in favour of the petitioner will stand automatically cancelled. Further, the averments made in the affidavit shall be reflected in their order so that the officer will not face any problem at a later point of time. More over, for filing a false affidavit, if appropriate action is taken, the person concerned will have to face imprisonment rather than fine.

7.With the above directions, the writ petition, is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

SRM

To

1.The District Collector,
Madurai District.

2.The District Revenue Officer,
Madurai District.

3.The Revenue Divisional Officer,
Melur Division, Chittampatti,
Madurai District.

4.The Tahsildar,
Melur Taluk,
Melur, Madurai District.

+1 cc to The Special Government Pleader Sr.No.27275

W.P (MD) No.19205 of 2020

23.12.2020

KM (01.02.2021) 3P 6C