



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM:

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

W.P. (MD)No.18784 of 2020

WEB COPY

K.Manivel

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

2.The Tahsildar,
Paramakudi,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 20.08.2020 by affording reasonable opportunity to the petitioner and issue Grama Natham patta for the petitioner's house situated in Survey No.81/3 measuring to an extent of 5232 sq.ft. ie., 12 cents in Kiliyur Village, Paramakudi Taluk, Ramanathapuram District within the time fixed by this Court.

For Petitioner : Mr.V.Sukumar

For Respondents : Mr.P.Kannithevan
Additional Government Pleader

ORDER

This writ petition is filed, seeking issuance of Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 20.08.2020 by affording reasonable opportunity to the petitioner and issue Grama Natham patta for the petitioner's house situated in Survey No.81/3 measuring to an extent of 5232 sq.ft. ie., 12 cents in Kiliyur Village, Paramakudi Taluk, Ramanathapuram District within the time fixed by this Court.

2. Heard the learned Counsel appearing for the petitioner and Mr.P.Kannithevan, learned Additional Government Pleader, who took notice for the respondents.

3. By consent of both parties, the Writ Petition is disposed of at the admission stage itself.

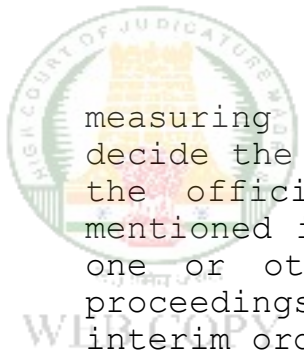
4. The case of the petitioner is that the property in Survey No.81/3 measuring to an extent of 5232 sq.ft. ie., 12 cents in



Kiliyur Village, Paramakudi Taluk, Ramanathapuram District is the house property of the petitioner. The petitioner purchased the said property from one Thiruvi Vagaiya through a registered sale deed on 20.03.1986 in Document No.128 of 1986 on the file of the Sub Registrar, Nainarkovil. Therefrom the petitioner is in possession and enjoyment of the said property. Thereafter the petitioner constructed a house in the said property and paying house tax to the Kiliyur Panchayat and most of the houses of Kiliyur-Nadukudieruppu village situated in the Grama Natham. In such circumstances, the second respondent issued an allotment orders in HSDA No.116/1428 dated 06.08.2018 in favour of the petitioner's son to an extent of 110 sq. meter and in HSDA.No.118/1428 dated 06.08.2018 to an extent of 120 sq.meter in the petitioner's house and sub-divided the above said Survey No.81/3 as Survey No.81/16 and 81/18, respectively. Similarly, the petitioner's wife was also got an allotment in HSDA No.117/1428 dated 06.08.2018 to an extent of 120 sq.meter in the petitioner's house and sub-divided the survey number as Survey No.81/18. The second respondent made the above allotments without issuing notice to the petitioner. In order to grab the petitioner's property, his son caused to pass the above said allotment orders and in the year 2018, there was a quarrel between the petitioner and his son and the petitioner was beaten by him and FIR in Crime No.110 of 2018 dated 23.10.2018 was filed by the Nainarkovil Police Station. Hence, the petitioner approached the respondents to issue Grama Natham Patta for his house situated in the above said survey number and also sent a representation dated 20.08.2020 to the respondents. But so far no action has been taken by the respondents. Hence, the petitioner has approached this Court.

5. At this juncture, the learned Additional Government Pleader appearing for the respondents would submit that the Revenue Divisional Office has requested a report from the Tahsildar and the proceedings has already been commenced.

6. Considering the facts and circumstances of the case, this Court directs the Revenue Divisional Officer/1st respondent herein to take a decision in the matter, after getting appropriate report from the Tahsildar as well as after hearing all the necessary parties. The first respondent shall take a decision within a period of 120 days from the date of receipt of a copy of this order, after affording an opportunity of hearing to the concerned parties. 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 costs of Photograph and Videograph to be borne by the petitioner. Such an exercise shall be completed, within a period of three (3) months from the date of receipt of a copy of this order. At the time of conducting survey and in case of issuance of patta, the guidelines issued by this Court in W.P.(MD) No.13465 of 2020, dated 13.10.2020 and W.P.(MD)Nos.7746 of 2020 etc., batch dated 23.09.2020, have to be scrupulously followed. In



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.

7. 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.

8. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS I)

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/ /2021

Sub Assistant Registrar(CS)

PJL

To

1.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

2.The Tahsildar,
Paramakudi,
Ramanathapuram District.

W.P (MD) No.18784 of 2020

18.12.2020

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MK (CO)

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