



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

W.P (MD)No.6388 of 2018

N.Muniyammal

... Petitioner

Vs.

1.The Chairman, Tamilnadu Boomithan Board,
Chepauk, Chennai - 05.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Palani, Dindigul District.

3.The Tahsildar, Taluk Office,
Ottanchatram Taluk,
Dindigul 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 to provide patta to the petitioner in survey No.267/1 and 267/2B1 in an extent of 0.69.5 and 0.11.5 hectars respectively situated at Kethairumpu Village, Ottanchatiram Taluk, Dindigul District by considering the petitioner's representation dated 08.12.2017 within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

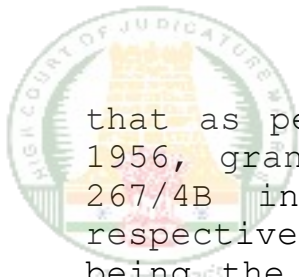
For respondents : Mr.K.P.Krishnadoss
Special Government Pleader

ORDER

This writ petition has been filed for issuance of a direction to the respondents to provide patta to the petitioner in survey No.267/1 and 267/2B1 in an extent of 0.69.5 and 0.11.5 hectars respectively situated at Kethairumpu Village, Ottanchatiram Taluk, Dindigul District by considering the petitioner's representation dated 08.12.2017 within the time stipulated by this Court.

2.Heard the learned Counsel appearing for the petitioner and Mr.K.P.Krishnadoss, learned Special Government Pleader for the respondents.

3.The learned Counsel appearing for the petitioner submitted



that as per the proceedings of the first respondent in the year 1956, granted land to the petitioner's father in S.No.267/2B and 267/4B in an extent of 0.40.5 hectares and 0.40.5 hectors respectively. After the demise of his father, the petitioner, being the legal heir, came to know that the patta given to his father has been cancelled and has been transferred to some other persons. Therefore, the petitioner has made a representation to the respondents on 08.12.2017 seeking to cancel the patta given to the third persons and for grant of patta in his favour. Since there is no response from the respondents, the petitioner has come forward with the above Writ Petition.

4.This Court has already passed an order with regard to the issuance of patta in W.P(MD)No.7746 of 2020, dated 29.03.2020. The directions therein should be followed without any violation. In the present case on hand, the petitioner sought for separate patta, for which, applications said to have been made on 08.12.2017.

5.The learned Additional Government Pleader appearing for the respondents would submit that a communication has already been sent to the third respondent by the second respondent on 15.12.2017, for conducting an enquiry. Merely because an application has been made, it is not suffice, unless it is supported by necessary document. If the documents are in order, the request of the petitioner need to be considered and the guidelines mentioned in the above order dated 23.09.2020 have to be followed.

6.This Court is of the considered view that in the present case on hand, without furnishing all the necessary documents, the petitioner cannot seek for cancellation of patta and a separate patta for the property in question. Accordingly, the Writ Petition stands dismissed with liberty to the petitioner to approach the respondents with relevant/necessary documents, sought for by the respondents. If the same is in order, after scrutinizing the same and verifying the genuineness, the request of the petitioner shall be considered by the respondents 2 and 3 and a decision shall be taken at the earliest point of time, within a period of thirty (30) days from the date of submission of the documents by the petitioner as sought for by the respondents. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



RR
To:

1.The Chairman,
Tamilnadu Boomithan Board,
Chepauk, Chennai.

2.The Revenue Divisional Officer,
The Revenue Divisional Office,
Palani, Dindigul District.

3.The Tahsildar,
Taluk Office,
Ottanchatram Taluk, Dindigul District.

+1 CC to M/s.T. THIRUMURUGAN, Advocate (SR-19691[F] dated
12/10/2020)

W. P (MD) No. 6388 of 2018
09.10.2020

BK(CO)
TR(22.10.2020) 3P 5C