



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **01.12.2020**

CORAM:

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

W.P (MD) No.13278 of 2018

M.Duraiaraj

... Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Peraiyur,
Madurai District.

3.The Tahsildar,
Peraiyur 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 respondents herein to consider the petitioner's representation dated 25.05.2017 for grant patta or assignment in favour of the petitioner as per the Revenue Standing Order within a reasonable time as may be fixed by this Court.

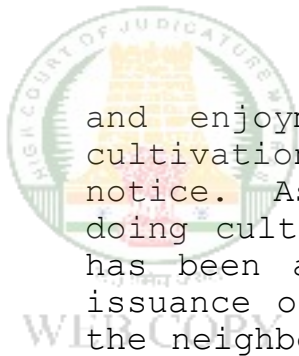
For Petitioner	: Mr.S.Srinivasa Raghavan
For respondents	: Mr.M.Muniyasamy
	Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus directing the respondents herein to consider the petitioner's representation dated 25.05.2017 for grant patta or assignment in favour of the petitioner as per the Revenue Standing Order within a reasonable time as may be fixed by this Court.

2.Heard the learned Counsel appearing for the petitioner and Mr.M.Muniyasamy, 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 petitioner has been in possession and enjoyment of the *tharisu* land comprised in S.No.319/1 measuring to an extent of 6 Acres and in S.No.319/7 measuring to an extent of 20 Ares situated in Sempatti, Kudiseri Village, Peraiyur Taluk, Madurai District for the past forty years. It is further submitted that prior to the petitioner, his father and his grandfather had been in possession



and enjoyment of the said land for over 75 years by doing cultivation. The petitioner has been paying charges under B-memo notice. As the petitioner's family is eking out their livelihood by doing cultivation in the said land all these years, the petitioner has been approaching the respondents for grant of assignment and issuance of patta from the year 1990. It is also represented that the neighbours in similar adjacent lands were granted patta and now they are enjoying similar *tharisu* land as patta land. Thereafter, in the year 2006, on consideration of the petitioner's representation, the third respondent issued proceedings to subdivide S.No.319 as 319/1A, 1B and 7A and 7B. The petitioner had also paid charges for survey, measurement and for grant of patta vide chellan dated 15.11.2006. Pursuant to which, the petitioner had sent representations to the respondents and the last one of which is dated 25.05.2017 for grant of patta or assignment in favour of the petitioner as per the Revenue Standing Order. Since the said representation has not been considered by the respondents, the petitioner has come forward with the present Writ Petition.

4.Considering the facts and circumstances the case, the third respondent is directed to consider the representation of the petitioner, dated 25.05.2017 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.

5.With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

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



To

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Peraiyur,
Madurai District.

3.The Tahsildar,
Peraiyur Taluk,
Madurai District.

+1 CC to M/s.S. SRINIVASA RAGHAVAN, Advocate (SR-23562[F] dated
02/12/2020)

W.P (MD) No.13278 of 2018
01.12.2020

KG (CO)

AP (10/12/2020) 3P 5C