



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD)No.21912 of 2019

R.Sundaram

... Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Thasildar,
Thuraiyur Taluk,
Trichy District,
Trichy.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the first respondent to direct the second respondent to issue patta for the petitioner's property in Natham Survey No.117/1A situated in Sikkathampur North, Thuraiyur Taluk of Trichy District, by considering petitioner's representation dated 28.05.2019 within the period as stipulated by this Court.

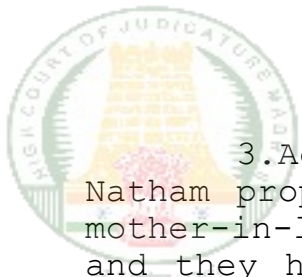
For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.R.Sethuraman
Special Government Pleader

O R D E R

This writ petition is filed to direct the first respondent to direct the second respondent to issue patta for the petitioner's property in Natham Survey No.117/1A, situated in Sikkathampur North, Thuraiyur Taluk of Trichy District, by considering the petitioner's representation dated 28.05.2019.

2.Heard Mr.A.Haja Mohideen, learned counsel appearing for the petitioner and Mr.R.Sethuraman, learned Special Government Pleader appearing for the respondents.



3. According to the petitioner, originally the property is a Natham property wherein his father-in-law viz., Chinnasamy and his mother-in-law viz., Dhanapackiam were residing for several decades and they have also obtained patta in the year 2008. Subsequently, the petitioner married one Amudha, who is the daughter of the said Chinnasamy and Dhanapackiam. Thereafter, the petitioner has become the owner of the said property by virtue of the sale deed executed by the in-laws. Therefore, the petitioner made a representation to the first respondent to grant patta in his favour in Survey No.117/1A. The first respondent has forwarded the petitioner's representation to the Tahsildar to sub-divide the said property and to consider for granting patta in favour of the petitioner. Thereafter, the petitioner has made an application to the Tahsildar to grant patta to an extent of 0.02.93 square meter, in his favour. Since no action has been taken, the petitioner is before this Court.

4. The learned Special Government Pleader appearing for the respondents, on instructions, would submit that in view of G.O.Ms.No.318, dated 30.08.2019, wherein it has been clearly stated that the applicant, who is entitled for granting patta only to an extent of 120 square meter. Further, it has been stated that the petitioner has to obtain No Objection Certificate from the Panchayat by passing resolution in favour of the petitioner. He further submitted that if the petitioner has accepted the aforesaid condition and to give a fresh application to the authority concerned, the same shall be considered, as per the guidelines issued by the Government.

5. The learned counsel appearing for the petitioner has also agreed the aforesaid contention made by the learned Special Government Pleader appearing for the respondents and seeks permission to give a fresh application before the Tahsildar for granting patta by restricting the relief to an extent of 120 square meter as per Government Order.

6. Considering the submissions made on either side, this Court is inclined to pass the following orders:

(i) The petitioner is permitted to give a fresh application to the Tahsildar within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of such application within the aforesaid period, the Tahsildar shall consider the same, in the light of the said G.O.Ms.No.318, dated 30.08.2019 and pass orders on merits and in accordance with law, as expeditiously as possible, preferably within a period of twelve(12) weeks, thereafter.



(iii)The petitioner can obtain the No Objection Certificate from the Panchayat by passing resolution in favour of the petitioner.

7.With the above directions, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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.

To

1.The District Collector,
Trichy District,
Trichy.

2.The Thasildar,
Thuraiyur Taluk,
Trichy District,
Trichy.

W.P. (MD) No.21912 of 2019
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