

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.Nos.19167 and 19168 of 2013  
and M.P.Nos.1 and 1 of 2013

1. Rajaraman ...Petitioner in W.P.No.19167 of 2013
2. Duraisamy ...Petitioner in W.P.No.19168 of 2013

-vs-

1. The Tahsildar  
Taluk Office,  
Nagapattinam,  
Nagapattinam District.

2. The District Collector  
Collectorate,  
Nagapattinam,  
Nagapattinam District.

3. V.Govindarajulu
4. V.Rangarajulu
5. V.Vijayakumar
6. V.Soundararajan
7. G.Krishnaswamy

...Respondents in both the writ petitions

Prayer in both the writ petitions : Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the first respondent from issuing the patta in the name of any respondents 3, 4 and 5 herein in respect of the schedule mentioned property, without considering the representations of the petitioner herein and giving them a personal hearing.

For Petitioner : No Appearance  
in both WPs

For Respondents: Mrs.Akila Rajendran  
in both WPs Counsel for the Government for R1 and R2

No Appearance for R3 to R7

## O R D E R

The prayer sought for herein in both these writ petitions are for a writ of mandamus, forbearing the first respondent from issuing the patta in the name of any of the respondents 3, 4 and 5 herein in respect of the schedule mentioned property, without considering the representations of the petitioner herein and giving them a personal hearing.

2. Since the issue raised in both these writ petitions are one and the same and the respondents also are the same parties, with the consent of the learned counsel appearing for the parties, both the writ petitions were heard together and are being disposed of by this common order.

3. The petitioners in these writ petitions claim that, they are the owner or they have the title over the property in Block No.44, Ward No.4, bearing Survey Nos.2484, 2485 and 2486 to the extent of 8070 Sq.ft., situated at Velipalayam village, Nagapattinam Taluk, Nagapattinam District. In respect of the said property, it seems that, the private respondents claim ownership and they are trying to get patta, by producing some documents, which according to the petitioners are fraudulent documents, from the revenue authorities.

4. On coming to know the said alleged attempt made on behalf of the private respondents, the petitioners have already made attempt by approaching the revenue authorities, i.e., the respondents herein to convince them, that no patta shall be given to the private respondents without hearing the petitioners and in this regard, on 06.07.2013, in respect of both the petitioners, separate legal notices were issued by their lawyer, where their plea appears to be that, if at all the revenue authorities want to decide the claim made by the private respondents for issuance of patta on the subject land, that shall be decided only after hearing the petitioners.

5. Therefore, without giving any opportunity of being heard to the petitioners no decision shall be taken by the revenue authorities with regard to the plea made by the private respondents for issuance of patta in respect of the subject land.

6. Only with that plea, since they already approached the respondents which have not been acted upon or considered, both the petitioners had approached this Court and filed these two writ petitions with the aforesaid respective prayers.

7. When these cases are called, there is no representation for the petitioners as well as the private respondents in both

the matters. However, Mrs.Akila Rajendran, learned counsel for the Government appearing for the official respondents, on instruction would submit that, if at all in respect of the property in question, both the petitioners as well as the private respondents claim ownership and in this regard, if any application is filed or is pending before the official respondents, i.e., the revenue authorities, with regard to the grant of patta to the land in question, certainly that plea would be decided by the official respondents, only after providing an opportunity of being heard to both the petitioners as well as the private respondents.

8. She would also submit that, in this regard, the request of the petitioners made through the lawyer by way of legal notice, dated 06.07.2013 in respect of both the petitioners would be considered and decided on merits, of course after hearing both sides, i.e., the petitioners as well as the private respondents within a time frame that may be stipulated by this Court, if the same already not been decided.

9. I have considered the said submission made by the learned counsel for the Government for the official respondents and have perused the materials placed before this Court.

10. In these writ petitions, at the time of admission itself, by order, dated 15.07.2013, there was an interim order passed restraining the official respondents from passing any final order in respect of the application filed by the private respondents for issuance of patta.

11. Therefore, pursuant to the interim order, since all these years, these writ petitions have been pending, there was no scope for passing any orders on the application, if any submitted by the private respondents for issuance of patta by the official respondents, especially R1 and R2.

12. Now in view of the submission made by the learned counsel for the Government appearing for the respondents and by taking into account the aforesaid factual matrix, this Court feels that, a direction can be given to the official respondents to decide the plea made by the petitioners in the light of the application, if any, submitted by the private respondents, seeking for patta in respect of the subject land.

13. Accordingly, this Court is inclined to dispose of this writ petition with the following order :

"That there shall be a direction in both the cases to the first respondent to consider the request of the petitioner made through their lawyer, dated 06.07.2013 issued separately

and decide the same in the light of any application, if any, filed by the private respondents, seeking patta for the land referred to above and accordingly, after issuance of notice to both sides and after hearing them, order can be passed on the plea of the petitioners as well as the private respondents on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order."

14. With these direction, both these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-  
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

tsvn  
To

1. The Tahsildar  
Taluk Office,  
Nagapattinam,  
Nagapattinam District.
2. The District Collector  
Collectorate,  
Nagapattinam,  
Nagapattinam District.

+1 CC to The Government Pleader, Sr 29564

W.P.Nos.19167 and  
19168 of 2013

RSV(CO)  
LS(14/07/2021)

WEB COPY