



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.23465 of 2021

K. Ganesan

... Petitioner

Versus

1. The District Collector, Salem.

2. The Revenue Divisional Officer,
Attur, Salem.

3. The Tahsildar,
Thalaivasal, Salem.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 05.01.2021 and grant patta in S.No.86 measuring to an extent of 50 Cents in East Rajapalayam Village, Thalaivasal Taluk, Attur, Salem.

For Petitioner : Ms. R.Poornima

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, to direct the respondents to consider the representation of the petitioner dated 05.01.2021 and grant patta in S.No.86 measuring to an extent of 50 Cents in East Rajapalayam Village, Thalaivasal Taluk, Attur.

2. The property in Survey No.88/9 measuring to an extent of 0.42.5 ares, East Rajapalayam Village, Thalaivasal, Attur, Salem, is the ancestral property, and Patta No.151 was also issued in favour of him. While so, 50 cents of land in Survey No.88/9 has been taken by the Authorities by laying Thar Road. Despite the fact that already there was an existing pathway in S.No.86, the same was not utilized for laying Thar Road, but the petitioner's agricultural land was utilized. Hence, Patta for the adjacent land in S.No.86 is poromboke land which had been utilized as pathway previously and now remain idle can be



granted to him by issuing Patta. Subsequently, the petitioner gave a representation dated 05.01.2021 to the first respondent, and the 2nd respondent vide his proceedings dated 21.01.2021 directed the 3rd respondent to conduct an enquiry, inspect and send a report to it, but the same has not been considered. Therefore, the petitioner was constrained to give another representation dated 08.07.2021 requesting to issue Patta comprised in Survey No.86, measuring to an extent of 50 cents, but, till date, no action has been taken by the respondents. Hence this petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondents to consider the petitioner's representation dated 05.01.2021 and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the respondents to consider the petitioner's representation dated 05.01.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner within a period of sixteen weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gba/msm

To

1. The District Collector, Salem.

2. The Revenue Divisional Officer,
Attur, Salem.

3. The Tahsildar, Thalaivasal, Salem.

+lcc to Ms. R.Poornima, Advocate, S.R.No.56546

+lcc to the Government Pleader, S.R.No.57659

W.P.No.23465 of 2021

JPL(CO)

CT 07/12/2021