

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 21.04.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.26745 of 2017 and
W.M.P.No.28474 of 2017

Ellammal

... Petitioner

Vs.

1.The District Collector,
Thiruvannamalai District.

2.The Tahsildar,
Arani Taluk,
Thiruvannamalai District.

3.Mohan

4.Bakthaselvan

5.Ravi

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to dispose of the petitioner's representation dated 13.09.2017 seeking patta to the petitioner for the lands comprised in Survey No.304/8 at Moongilthangal Village, Arani Taluk, Thiruvannamalai District.

For Petitioner : Mr.R.Karunakaran

For Respondents 1 & 2 : Mr.N.Inbanathan

Additional Government Pleader

For Respondents 3 to 5 : Mr.P.N.Peruvazhuthi

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents to dispose of the petitioner's representation dated 13.09.2017 seeking patta to the petitioner for the lands comprised in Survey No.304/8 at Moongilthangal Village, Arani Taluk, Thiruvannamalai District.

2.In respect of the natham land at Old Survey No.240/1, New Survey No.304/8 at Moongilthangal Village, Arani Taluk, Thiruvannamalai District, the petitioner has made a request to

the first and second respondents on 13.09.2017 to issue patta. Since the said request has not been considered, the petitioner has filed the present writ petition with the aforesaid prayer.

3.Heard Mr.R.Karunagaran, learned counsel appearing for the petitioner and he would reiterate the aforesaid and seeks indulgence of this Court.

4.Heard Mr.N.Inbanathan, learned Additional Government Pleader appearing for the official respondents, who would submit that, since admittedly the land in question is a natham poramboke land where the petitioner claimed to be in possession for several years and in respect of the very same land, there has been rival claim by the third parties who are the private respondents i.e. respondents 3 to 5 in the writ petition. Therefore, after hearing the petitioner as well as the private respondents with regard to the rival claim on the land in question, the issue would be decided by the Revenue Divisional Officer who is the authority to decide the grant of patta in natham land, therefore, the representation in this regard made by the petitioner dated 13.09.2017 to the first respondent District Collector would be forwarded by him to the Revenue Divisional Officer, Arani and who in turn will decide the same as indicated above within a time frame.

5.I have considered the said rival submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

6.In view of the innocuous nature of the prayer sought for by the petitioner, where, he seeks indulgence of this Court to give a direction to the concerned authority and the first respondent to decide his representation dated 13.09.2017 on merits and in accordance with law within a time frame, of course after giving an opportunity of being heard to the petitioner as well as the rival claimants, this Court is inclined to dispose of this writ petition with the following orders.

That there shall be a direction to the first respondent to forward the application/representation of the petitioner dated 13.09.2017 with regard to the plea of the petitioner for issuance of patta in natham land in Survey No.304/8 at Moongilthangal Village, Arani Taluk, Thiruvannamalai District within a period of two weeks from the date of receipt of a copy of this order, to the Revenue Divisional Officer, Arani, who, in turn, after receipt of the same, shall conduct an enquiry on this issue by giving separate notices to both the petitioner as well as the private respondents i.e. respondents 3 to 5 and thereafter decide the issue on merits and in accordance with law within a

period of three months.

7.With this direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

8.The Registry is directed to send a copy of this order to the Revenue Divisional Officer, Arani, Thiruvannamalai District also.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

Sgl

To

1.The District Collector,
Thiruvannamalai District.

2.The Tahsildar,
Arani Taluk,
Thiruvannamalai District.

3.The Revenue Divisional Officer,
Arani, Thiruvannamalai District.

+1cc to Mr.R.Karunagaran, Advocate, S.R.No.24534
+1cc to the Government Pleader, S.R.No.24992

W.P.No.26745 of 2017

VBM(CO)
CB(06/07/2021)

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