



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.768 of 2021

(Through Video Conference)

WEB COPY

Kamal Musthaffa

...Petitioner

Vs.

1. The District Collector,
Ramanathapuram District.

2. The Sub Collector,
Office of Sub Collector,
Paramakudi.

3. The Tahsildar,
Kadaladi,
Ramanathapuram District.

4. The Village Administrative Officer,
Keelakidaram Group,
Keelakidaram Village,
Kadaladi Taluk,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent herein to consider the petitioner's representation dated 04.12.2020 requesting the respondents to cancel the wrong classification made in old S.No.395/7 measuring 110 sq.mts as Natham vacant site and to include the same in New S.No.395/25 and 395/26 respectively situated at Keelakidaram Village, Kadaladi Taluk, Ramnad District and to register the same in all other revenue records relating to 3rd and 4th respondents herein within a time fixed by this Court.

For Petitioner : Mr.PT.S.Narendravasan

For Respondents : Mr.M.Muniasamy,

Additional Government Pleader

O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus directing the second respondent to consider the representation made by the petitioner on 04.12.2020 wherein the petitioner has sought for the rectification of the wrong classification made in the subject property to an extent of 110 sq meters and to include the name of the petitioner for the entire extent and issue a fresh Patta in the name of the petitioner.



2.The case of the petitioner is that a portion of the subject property was purchased by his mother, by virtue of a registered sale deed dated 12.03.1968. The petitioner also purchased the other portion by virtue of a registered sale deed dated 02.07.1993. Thereafter, the sub division was effected in the year 1996 and the Joint Patta was issued in the name of the petitioner and his mother by the third respondent for S.No.395/7.

3.Thereafter, a separate Patta was issued in the name of the petitioner for the sub-divided property in S.No.395/25 to an extent of 120 sq.meters and a separate Patta was issued in the name of the mother of the petitioner in S.No.395/26 for an extent of 120 sq.meters. The grievance of the petitioner is that an extent of 110 sq.meters got reduced from the share of both the petitioner and his mother and it has been wrongly classified by the third respondent as a "Natham Vacant Site".

4. The petitioner, aggrieved by the same, made a representation to the second respondent on 04.12.2020 seeking for cancellation of the wrong entry and to issue Patta by showing the correct extent. Since the same was not acted upon, the present writ petition has been filed before this Court seeking for appropriate directions.

5.Heard Mr.PT.S.Narendravasan, learned counsel for the petitioner and Mr.M.Muniasamy, learned Additional Government Pleader appearing for the respondents

6.Taking into consideration the facts and circumstances of the case, there shall be a direction to the second respondent to consider the representation made by the petitioner on 04.12.2020 and deal with the same on its own merits and in accordance with law and pass orders within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7.If the second respondent finds that there is any other interested party claiming right over the subject property, they shall also be issued with notice and opportunity shall be given to raise their objections, if any.

8.The petitioner is directed to make a fresh representation to the second respondent along with all the relevant documents and also a copy of this order.



9. The writ petition is disposed of with the above directions.
No costs.

Sd/-

Assistant Registrar (W)

WEB COPY

// True Copy //

/ /2021

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.*

sts

To:

1. The District Collector,
Ramanathapuram District.
2. The Sub Collector,
Office of Sub Collector,
Paramakudi.
3. The Tahsildar,
Kadaladi,
Ramanathapuram District.
4. The Village Administrative Officer,
Keelakidaram Group,
Keelakidaram Village,
Kadaladi Taluk,
Ramanathapuram District.

+1 CC to M/s.PT.S.NARENDRAVASAN, Advocate (SR-16139[F] dated 17/04/2021)

+1 CC to M/s.SPL GP (SR-16269[F] dated 17/04/2021)

Order made in
W.P. (MD) No.768 of 2021

Dated:
16.04.2021

GS (27.04.2021) 3P 7C