



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2021

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CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.4903 of 2013

Jeyanthi

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Gandhi Nagar, Madurai.

2. The Tahsildar,
Madurai South Taluk, Collectorate,
Gandhi Nagar, Madurai.

3. S.R.Rasuthevar ... Respondents
(Respondent No.3 impleaded vide Court order dated 24.11.2015)

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondent No.2 to issue patta for petitioner's house situated at No.33, Subramaniya Pillai Street, S.S.Colony, Madurai, in Survey No.42 of Ponmeni Village, South Taluk, Madurai District in favour of the petitioner's name.

For Petitioner : Mr.T.Lajapathi Roy

For R-1 & R-2 : Mr.M.Lingadurai,
Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the first and second respondents to consider the representation made by the petitioner on 19.02.2013, wherein, the petitioner has sought for issuance of free house site patta.

2. When the matter was taken up for hearing on 26.08.2020, the following order was passed by this Court:-

This Writ Petition is filed to direct the 2nd respondent to issue patta in favour of the petitioner for his house at No.33, Subramaniya Pillai Street, S.S.Colony, Madurai in S.No-42 situated at Ponmeni Village, South Taluk, Madurai District.



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2.The learned counsel appearing for the petitioner would submit that the petition mentioned property, wherein, the petitioner is residing for the past 17 years, is a Natham Poramboke land and not a Water body. He would further submit that the similarly placed persons, who are residing in the aforesaid land, have already constructed houses and patta were also granted in their respective names.

3.From the counter affidavit filed by the 2nd respondent, it is seen that though the petitioner is residing in the aforesaid land, he cannot claim patta in her favour, because the same has been classified as water body.

4.In view of the above, this Court is unable to understand whether the classification of the petition mentioned property is under Natham Poramboke or Water body and that therefore, this Court is inclined to pass the following direction:-

the Revenue Divisional Officer, Madurai, is directed to conduct an enquiry and submit a detailed report with regard to the classification of the petition mentioned property and to the submission of the learned counsel for the petitioner before this Court within a period of four weeks from the date of receipt of a copy of this order;

5.Post the matter after four weeks".

3. When the matter was taken up for hearing today, the learned Government Advocate submitted that an inspection was made by the Revenue Divisional Officer, Madurai and a report has been given and the second respondent will consider the representation made by the petitioner and convey the decision to the petitioner.

4. Taking into consideration the facts and circumstances of the case and the fact that an inspection has already been conducted, there shall be a direction to the second respondent to convey the decision on the representation made by the petitioner on 19.02.2013, within a period of two (2) weeks from the date of receipt of a copy of this order.



5. This Writ Petition stands disposed of accordingly. No costs.

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Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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,
Madurai District,
Gandhi Nagar, Madurai.

2. The Tahsildar,
Madurai South Taluk, Collectorate,
Gandhi Nagar, Madurai.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-21277[F] dated 06/07/2021)

+1 CC to M/s.SPL GP (SR-21508[F] dated 07/07/2021)

Order made in
W.P. (MD) .No.4903 of 2013

Dated :
05.07.2021

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