



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2021

CORAM

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THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A.(MD)No.400 of 2021
against W.P.(MD) No.16907 of 2020

K.R.Samy @ K.Ramasamy

... Appellant/Petitioner

Vs.

1.The Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

2.The District Collector,
Pudukottai District,
Pudukottai.

3.The Revenue Divisional Officer,
Pudukottai.

4.The Tahsildar,
Alangudi Taluk,
Alangudi,
Pudukottai.

5.The Village Administrative Officer,
Lakshmi Narasimmapuram,
Alangudi Taluk,
Pudukottai District.

6.The Inspector of Police,
Vadakadu Police Station,
Pudukottai District - 622 304.

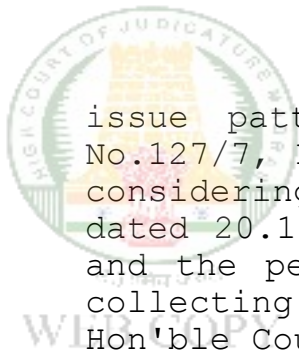
7.Pushparani

8.Chinnadurai

... Respondents

Prayer : Writ Appeal filed under Clause 15 of the Letter Patent,
against the dated 27.11.2020, passed in W.P.(MD)No.16907 of 2020.

Prayer in WP(MD). 16907/ 2020 : Writ Petition is filed under Article
226 of the Constitution of India, praying this Court to issue a
direction or order or writ in the nature of a Writ of Mandamus
directing the 1st to 4th respondents to take appropriate action to



issue patta to the petitioner for 2.00 ac of land in Survey No.127/7, Pulichankadu Village, Alangudi Taluk, Pudukottai District, considering the fourth respondent letter in Na.Ka.No.6671/17/A5 dated 20.11.2017 addressed to the 2nd respondent-District Collector and the petitioners representation dated 14.12.2018 and 25.07.2020 collecting the land cost, within a time limit to be fixed by this Hon'ble Court.

For Appellant : Mr.R.M.Makesh Kumaravel
For R1 to R6 : Mrs.J.Padmavathi Devi
Special Government Pleader
* * * * *

JUDGEMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This Writ Appeal is filed against the order of the learned Single Judge, who after taking note of the judgment rendered in a Suit between the appellant and the private respondents, declined to grant the relief sought for on the premise that the official respondents were not impleaded as party respondents.

2.As rightly submitted by the learned counsel appearing for the appellant what has been sought for is consideration of issuance of Patta, which lies only within the discretion of the official respondents viz., respondent Nos.2 to 4, though a Writ of Mandamus to grant Patta would not lie, the appellant is entitled to seek direction to the respondents to consider his request.

3.In such view of the matter, we call upon respondent Nos.2 to 4 to consider the request of the appellant for grant of Patta. We may also note that the learned Single Judge is right to the extent of saying that the decree will not bind respondent Nos.2 to 4, who were not made as parties to the suit. Appropriate orders will have to be passed by respondent No.4 within a period of eight weeks from the date of receipt of a copy of this judgment. While doing so, respondent No.4 shall issue notice to the private respondents as well. It is further clarified that we have not given any positive direction, as it is only meant for mere consideration.

4.This Writ Appeal is disposed of accordingly. No costs.

Sd/-

Assistant Registrar ()

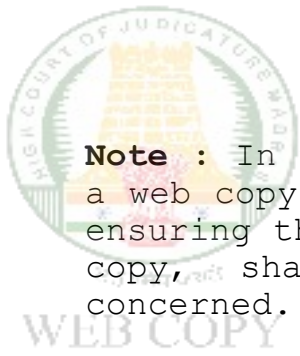
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/ /2021

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



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 Commissioner of Land Administration,
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6.The Inspector of Police,
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Pudukottai District - 622 304.

+1 CC to THE SPECIAL GOVERNMENT PLEADER(SR-6974[F] dated 24/02/2021)

+1 CC to Mr.R.M.MAKESH KUMARAVEL, Advocate (SR-7011[F] dated 24/02/2021)

Order made in
W.A. (MD) No.400 of 2021
23.02.2021

SV2 (CO)
SRS (08/03/2021) 3P : 9C