



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.7497 of 2021

WEB COPY

R.Elavarasu

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District, Virudhunagar.
2. The District Revenue Officer,
Collectorate Office, Madurai.
3. The Revenue Divisional Officer,
Melur Taluk, Madurai.
4. The Tahsildar,
Melur Taluk, Madurai District.

5. Mani

... Respondents

Prayer : This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to issue patta in favour of the petitioner after making necessary changes in the village accounts and revenue registers within a stipulated time to be fixed by this Court.

For Petitioner

: Mr. S.Vinodh

For R-1 to R-4

: Mr. K.P.Narayanakumar
Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the second respondent to complete the enquiry and pass final orders within the time stipulated by this Court.

2. The case of the petitioner is that his father was the absolute owner of the subject property and a joint patta was also issued in the name of the father of the petitioner and his elder brother. The further case of the petitioner is that there was an oral partition between the petitioner and his brothers in the year 2002 and the petitioner was allotted nine cents of land in Survey No.634/2.



3. The petitioner noticed that during the UDR settlement, the extent of the property belonging to the petitioner was wrongly mentioned as seven cents instead of nine cents. The petitioner therefore made a representation to the respondent concerned to correct this mistake and in the meantime, the fifth respondent also started claiming right over the two cents of land. The petitioner gave a complaint to the respondent concerned on the ground that the fifth respondent is encroaching upon the property and causing threat to the petitioner and therefore, the petitioner wanted an enquiry to be conducted after affording an opportunity of hearing to the petitioner and the fifth respondent.

4. Pursuant to the representation made by the petitioner, the petitioner and the fifth respondent were called for enquiry by the second respondent through a letter dated 21.01.2021. According to the petitioner, he has attended and submitted all the documents and the fifth respondent is yet to appear before the second respondent and in the meantime, since there was an intervention due to the election, there was no progress in the enquiry. Left with no other option, the present Writ Petition has been filed before this Court seeking for appropriate directions.

5. Heard Mr. H.Vinodh, learned counsel appearing for the petitioner and Mr. K.P.Narayanakumar, learned Special Government Pleader appearing on behalf of the respondent Nos.1 to 4.

6. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the second respondent to continue with the enquiry by affording an opportunity of hearing to the petitioner and the fifth respondent and a final order shall be passed within a period of three (3) months strictly in accordance with law and based on the documents, from the date of receipt of a copy of this order. If there are any other interested parties claiming right over the subject property, they shall also be issued with notice and an opportunity shall also be given to them.

7. The petitioner is directed to make a fresh representation to the second respondent along with a copy of this order.

8. The Writ Petition stands disposed of with the above directions. No costs.

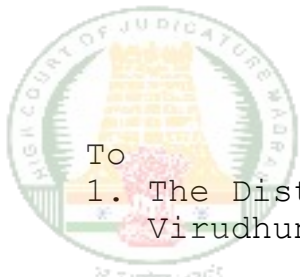
Sd/-

ASSISTANT REGISTRAR (T & P)

/TRUE COPY/

/ /2021

SUB ASSISTANT REGISTRAR (CS-)



To

1. The District Collector,
Virudhunagar District, Virudhunagar.

2. The District Revenue Officer,
Collectorate Office, Madurai.

3. The Revenue Divisional Officer,
Melur Taluk, Madurai.

4. The Tahsildar,
Melur Taluk, Madurai District.

+1 CC to M/s. S.VINODH, Advocate (SR-15422[F] dated 07/04/2021)

+1 CC to M/s. SPL GP (SR-15603[F] dated 09/04/2021)

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.

SMV (CO)

SMN : 11/05/2021 : 3P/7C.

Order made in
W.P.(MD).No.7497 of 2021
Dated: 07.04.2021