



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.7584 of 2021
(Through Video Conference)

L.Athirstaraj

...Petitioner

Vs.

1. The District Collector,
Thoothukudi District,
Thoothukudi.

2. The District Revenue Officer,
Thoothukudi District,
Thoothukudi.

3. The Tahsildhar,
Eral Taluk Office,
Eral,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to change the classification of the petitioner's above said property in Survey No.677 situated at Themankulam Village, Eral Taluk, Thoothukudi District in the Patta No.1293 as Punjai land instead of Ayan Nanjai by considering the petitioner's representation dated 28.12.2020

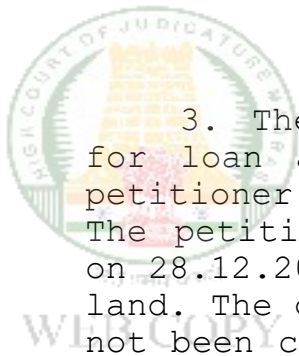
For Petitioner : Mr.J.David Ganesan

For Respondents : Mr.P.Mahendran,
Additional Government Pleader

O R D E R

This writ petition has been filed for the issue of Writ of Mandamus directing the respondents to consider the representation made by the petitioner on 28.12.2020 and to change the classification of the property from 'Ayan Nanjai' to 'Punjai' land.

2. The case of the petitioner is that his father was the owner of the subject property, by virtue of the registered sale deed, dated 25.06.2008. According to the petitioner, he was also given a Patta bearing Patta no.1293. Subsequently, the father of the petitioner executed a registered family arrangement, dated 03.09.2014 and the subject property was allotted in favour of the petitioner. The petitioner applied for mutation of the revenue records and the Patta was granted in favour of the petitioner in Patta no.1419.



3. The petitioner thereafter had approached the Bank seeking for loan and at that point of time, it was pointed out to the petitioner that the property has been classified as 'Ayan Nanjai'. The petitioner, therefore made a representation to the respondents on 28.12.2020 seeking for re-classification of the land as 'Punjai' land. The grievance of the petitioner is that his representation has not been considered and hence, he has approached this Court seeking for appropriate directions.

4. Heard Mr.J.David Ganesan, learned counsel for the petitioner and Mr.P.Mahendran, learned Additional Government Pleader appearing for the respondents.

5. 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 third respondent to conduct the survey of the subject property and submit the report before the second respondent within a period of six weeks from the date of receipt of a copy of this order. The second respondent on receipt of the report from the third respondent, shall conduct an enquiry after affording an opportunity to the petitioner and he shall forward his report to the first respondent within a period of six weeks thereafter. The first respondent, on receipt of the report from the second respondent, shall pass final orders strictly in accordance with law within a period of eight(08) weeks thereafter.

6. The petitioner is directed to make a fresh representation to the respondents along with all the necessary documents and also a copy of this order.

7. The Writ Petition is disposed of with the above directions. However, there shall be no order as to costs.

Sd/-

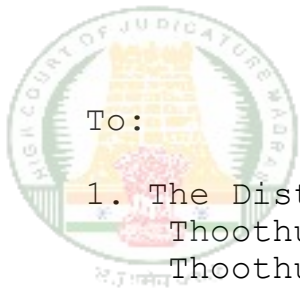
Assistant Registrar (ADII)

// 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.



To:

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The District Revenue Officer,
Thoothukudi District,
Thoothukudi.
3. The Tahsildhar,
Eeral Taluk Office,
Eeral,
Thoothukudi District.

+1 CC to M/s.SPL GP (SR-15453[F] dated 08/04/2021)

+1 CC to M/s.J.DAVID GANESAN, Advocate (SR-15530[F] dated
08/04/2021)

W.P. (MD) No.7584 of 2021
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SSS (CO)
KB(26.04.2021) 3P 6C