



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.05.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.[MD]No.9529 of 2021

A.Krishnan

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tashildar,
Madurai East Taluk,
Madurai.

3.The Taluk Surveyor,
Madurai East Taluk,
Office of the Madurai East Taluk Tahsildar,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent herein to issue necessary direction to the respondents 2 and 3 to receive the petition, if any, given by the petitioner to survey and demarcate the land bearing S.No.243/13 to an extent of 20 cents situated at Thattankulam Village, Narasingam 4th Bit, Y.Othakadai, Madurai East Taluk, Madurai District, based on his representation dated 23.04.2021, made to the first respondent.

For Petitioner

: Mr.K.Kannan

For Respondents 1&2

: Mr.P.Thilak Kumar
Standing Counsel

O R D E R

This Writ Petition has been filed for a Writ of Mandamus, to direct the first respondent herein to issue necessary direction to the respondents 2 and 3 to receive the petition, if any, given by the petitioner to survey and demarcate the land bearing S.No.243/13 to an extent of 20 cents, situated at Thattankulam Village, Narasingam 4th Bit, Y.Othakadai, Madurai East Taluk, Madurai District, based on his representation dated 23.04.2021, made to the first respondent.



2. According to the petitioner, his father and his paternal uncle Gurunathapillai, purchased a land to an extent of 20 cents in S.No.243/13 at Thattankulam Village, Narasingam 4th Bit, Madurai East Taluk and they were in possession and enjoyment of the said land and cultivating the same till their death. After their death, the petitioner and other legal heirs are in possession and enjoyment of the property. While so, the petitioner's mother gave a representation on 18.03.2021, for issue of joint patta in the name of the legal heirs of the petitioner's father and his paternal uncle. The respondents have not passed any order and hence, the petitioner's mother filed a writ petition in W.P.[MD] No.8184 of 2021 and this Court by order dated 20.04.2021 directed the second respondent herein to consider the representation of the petitioner's mother dated 18.03.2021, within a period of eight [8] weeks from the date of receipt of a copy of the said order.

3. In the meantime, the petitioner came to know that some third parties are trying to encumber the land in question. Hence, the petitioner gave a representation dated 15.03.2021, to the respondents, enclosing the necessary documents to survey and demarcate the property. The respondents 2 and 3 refused to receive the representation given by the petitioner on the ground that Patta pertaining to the land in question is in the name of the petitioner's father and the petitioner's paternal uncle and the request for survey and demarcation cannot be done. Subsequently, after the order of this Court dated 20.04.2021 in W.P.[MD]No.8184 of 2021, filed the mother of the petitioner, the petitioner gave a representation to the first respondent in person on 26.04.2021. The first respondent instead of directing the respondents 2 and 3 to survey the land, directed the respondents 2 and 3 to receive the representation of the petitioner. The first respondent being the administrative head of the District, ought to have issued necessary directions to the respondents 2 and 3 in this regard. The first respondent failed to issue any direction to the respondents 2 and 3 and hence, the petitioner has come out with the present writ petition.

4. Heard the learned Counsel appearing for the petitioner and the learned Standing Counsel appearing for respondents 1 and 2.

5. The grievance of the petitioner is that the first respondent instead of giving a direction to the respondents 2 and 3, simply forwarded the representation of the petitioner to the respondents 2 and 3.

6. From the averments made in the affidavit filed in support of the Writ Petition, it is seen that the first respondent has already forwarded the representation of the petitioner to the



respondents 2 and 3. In such circumstances, there is no necessity to issue further direction as prayed for by the petitioner. It is pertinent to note that in W.P.[MD]No.8184 of 2021, filed by the petitioner's mother, for issue of joint patta, this Court vide order dated 20.04.2021, directed the second respondent herein to consider the representation of his mother for issue of joint patta within a period of eight [8] weeks from the date of receipt of a copy of the said order. In such circumstances, the petitioner is directed to furnish a copy of the representation given to the first respondent along with the required documents to the second respondent herein within a period of two [2] weeks from the date of receipt of a copy of this order. On receipt of such representation, the second respondent is directed to consider the said representation along with the representation of the petitioner's mother dated 18.03.2021, as per the earlier order of this Court dated 20.04.2021, made in W.P.(MD)No.8184 of 2021, within a period of four [4] weeks thereafter.

7. With the above direction, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

MR

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,
Madurai.



2.The Tashildar,
Madurai East Taluk,
Madurai.

3.The Taluk Surveyor,
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Office of the Madurai East Taluk Tahsildar,
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+1 CC to SPL GP (SR-18617[F] dated 27/05/2021)

W. P. [MD] No. 9529 of 2021
26.05.2021

KM(01.06.2021) 4P 5C