



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.08.2021**

CORAM:

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

WEB COPY

W.P. (MD) .No.13971 of 2021

Amirthalingam

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruchendur, Thoothukudi District.

2.The Tahsildar,
Tiruchendur Taluk Office,
Tiruchendur, Thoothukudi District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the second respondent to issue patta in the petitioner's name for the land property in Survey Nos.162, 163/1B, 163/1B with total extent of 66.5 cents situated at Semmarikulam Village, Tiruchendur Taluk, Thoothukudi District by considering his representation dated 08.05.2021.

For Petitioner : Mr.S.Mandhiralingeswaran

For Respondents : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks a patta in respect of property bearing Survey Nos.162, 163/1B and 163/1B of a total extent of 66.5 cents at Semmarikulam Village, Tiruchendur Taluk, Tuticorin District.

2.The petitioner traces title to the aforesaid property to two registered sale deeds bearing document No.156 of 1999 and document No.13 of 2009. It is stated that since the date of purchase, the petitioner and his family members are enjoying the property without let or hindrance. The petitioner states that he applied to the Tahsildar on 08.05.2021 for issuance of a patta in his favour but that no action has been taken thereon. The present writ petition is filed in such facts and circumstances.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the petitioner's representation may be directed to be considered and disposed of on merits.

4.The documents on record disclose that the petitioner has



acquired properties bearing Survey Nos.162, 163/1B, 163/1B under two registered sale deeds. However, it is unclear as to whether there are rival claims with regard to such property. It is also not evident as to whether a survey was undertaken to clearly identify the property, including the boundaries thereof. In such circumstances, a positive direction to issue the patta cannot be granted. Nevertheless, the Tahsildar concerned may be directed to consider and dispose of the petitioner's representation.

5. Accordingly, without going into the merits of the matter, the second respondent herein is directed to consider the petitioner's representation dated 08.05.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner and any others who would be affected by such decision. Such reasoned order shall be passed within a period of three (3) months from the date of receipt of a copy of this order. W.P.(MD) No.13971 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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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 Revenue Divisional Officer,
Revenue Divisional Office,
Tiruchendur, Thoothukudi District.

2. The Tahsildar,
Tiruchendur Taluk Office,
Tiruchendur, Thoothukudi District.

+1 CC to M/s.S.MANDHIRALINGESWARAN, Advocate (SR-26019[F] dated 11/08/2021)

+1 CC to M/s.GP (SR-26044[F] dated 12/08/2021)

W.P. (MD) .No.13971 of 2021

11.08.2021

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