



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.07.2021**

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.12601 of 2021

Mohabath Begam

... Petitioner

Vs.

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

2. The District Revenue Officer,
Ramanathapuram District.

3. The Tahsildar,
Keelakarai Taluk,
Ramanathapuram District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the 1st Respondent to dispose of the petitioner's Appeal petition, dated 25.11.2020, pending before him within the time fixed by this Hon'ble Court and direct the respondents to grant patta to the extent of 25 cents properties situated in survey No.69/3 Periyapattinam Group, Keelakarai Taluk, Ramanathapuram District in favour of the petitioner.

For Petitioner : Mr.Ajmalkhan S.A
For Respondents : Mr.M.Lingadurai
Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the first respondent to dispose of the appeal filed by the petitioner on 25.11.2020 within the time frame fixed by this Court.

2. The case of the petitioner is that she purchased the subject property measuring an extent of 1 acre 15 cents by virtue of a registered sale deed, dated 10.12.1981. Thereafter, the petitioner was also issued with a patta. However, in the patta that was given to the petitioner, the extent of the property was mentioned as 55 cents.

3. The petitioner thereafter made an application to the respondents to grant patta to the total extent of 1 acre and 15 cents in Survey No.69/3C.

4. Since there was no response from the third respondent,

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



the petitioner approached this Court and filed W.P.(MD).No.19637 of 2019, seeking for a direction. This Court by order dated 12.09.2019 directed the third respondent to consider the application made by the petitioner and to pass orders on its own merits and in accordance with law. The petitioner was thereafter issued patta for an extent of 90 cents and the dispute was confined only to the balance 25 cents. The third respondent passed an order on 18.10.2019 rejecting the application made by the petitioner for grant of patta for the entire extent of 1 Acre and 15 cents and also directed the petitioner to file an appeal before the first respondent if she is aggrieved by the order.

5. Accordingly, the petitioner filed an appeal before the first respondent on 25.11.2020. The grievance of the petitioner is that the first respondent did not take up the appeal for enquiry and instead, through a letter, dated 08.01.2021, directed the second respondent to consider the application and to pass orders. Aggrieved by the same, the present Writ Petition has been filed before this Court seeking for appropriate directions.

6. Heard Mr.S.A.Ajmalkhan, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents.

7. Taking into consideration the facts and circumstances of the case and also the relevant records that have been filed in this Writ Petition, there shall be a direction to the first respondent to consider the appeal filed by the petitioner on 25.11.2020 and deal with the same on its own merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. The first respondent cannot delegate his power and it is the first respondent, who has to pass orders on the appeal filed by the petitioner.

8. The petitioner is directed to make a fresh representation to the first respondent along with all the relevant documents and also a copy of this order.

9. This Writ Petition stands disposed of with the above directions. No costs.

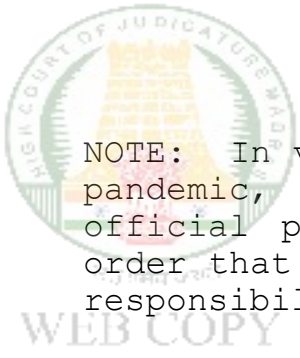
Sd/-

Assistant Registrar (CS-I)

// 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 Commissioner of Land Administration,
Chepakkam,
Chennai - 600 005.

2. The District Revenue Officer,
Ramanathapuram District.

3. The Tahsildar,
Keelakarai Taluk,
Ramanathapuram District.

+1 CC to M/s.S.A.AJMAL KHAN, Advocate(SR-24154[F] dated 28/07/2021)

+1 CC to M/s.SPL GP (SR-24399[F] dated 29/07/2021)

W.P.(MD).No.12601 of 2021

Dated :27.07.2021

RK (04.08.2021) 3P 6C