



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2021

CORAM:

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.14120 of 2021

WEB COPY
Selvakumar

... Petitioner

versus

1.The District Revenue Officer,
Madurai District,
Madurai.

2.The Thasildhar,
Melur Taluk,
Madurai District.

3.The Village Administrative Officer,
Veppatappu Village,
Melur Taluk,
Madurai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, directing the second respondent to issue a patta in favour of the petitioner with respect to Survey Nos.51/2, 52 and 51/1, situated at Veppadappu Village, Melur Taluk, Madurai District, which he caught though the sale deed executed in his favour vide through document No.1712 on 06.08.1996 based on his representation dated 25.06.2021.

For Petitioner : Mr.A.Banumathy
For Respondents : Mr.R.Baskaran
Counsel for State

ORDER

The petitioner seeks a direction for the issuance of patta in his favour in respect of the property bearing Survey Nos.51/2, 52 and 51/1, Veppadappu Village, Melur Taluk, Marurai District.

2.The petitioner traces title to the above mentioned property to a sale deed executed in his favour on 06.08.1996 under document No.1712/1996. The petitioner states that since such purchase, he has retained ownership of the property as evidenced by the encumbrance certificate in relation to such property. In order to obtain a patta in respect of such property, the petitioner states that he sent a representation to the second and third respondents in March 2021 and followed up by a second representation dated 25.06.2021. The present writ petition is filed in view of the failure by such respondents to respond to the representation dated 25.06.2021.



3.Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of the third respondent.

4.The documents on record disclose that the petitioner has purchased the property bearing the survey numbers indicated above under a sale deed dated 06.08.1996. The encumbrance certificate issued on 03.03.2021 reflects the name of the petitioner herein. Nevertheless, it cannot be ascertained from the documents on record as to whether any subsequent conveyances have been effected and whether there are any rival claims in respect of such property. Therefore, a positive direction cannot be issued but the second respondent may be directed to consider and dispose of the representation.

5.Accordingly, without going into the merits of the matter, the second respondent herein is directed to consider the petitioner's representation dated 25.06.2021 and pass a reasoned order thereon 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 months from the date of receipt of a copy of this order.

6.W.P.(MD).No.14120 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CRL)

// 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 Revenue Officer,
Madurai District,
Madurai.
- 2.The Thasildhar,
Melur Taluk,
Madurai District.



3.The Village Administrative Officer,
Veppatappu Village,
Melur Taluk,
Madurai District.

+1 CC to M/s.The Special Government Pleader (SR-26236[F] dated
13/08/2021)

W.P (MD) No.14120 of 2021
12.08.2021

RS (24.08.2021) 3P 5C