



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.15623 of 2021

A.Letcham

... Petitioner

Vs.

1.The District Collector,
Madurai.

2.The Thasildar,
Vadipatti Taluk Office,
Madurai District.

... Respondents

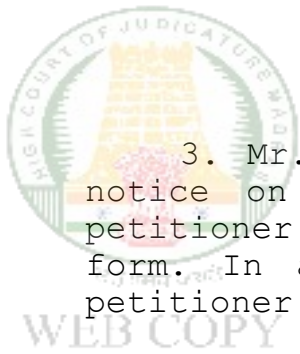
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to implement of the order of the first respondent in his proceedings No.O.Mu.35373/2020/G3 dated 23.11.2020 and to pass orders upon the representation of the petitioner dated 18.09.2020 in accordance with the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act 1969 and Tamilnadu Cultivating Tenants Protection Act 1955 within a time frame to be stipulated by this Court.

For Petitioner : Mr.N.Sankar Ganesh
For Respondents : Mr.K.S.Selvaganesan
Counsel for the State

ORDER

The petitioner seeks the mutation of tenancy records under the Tamil Nadu Agricultural Land Record of Tenancy Rights Act 1969.

2. The petitioner claims that his father was a cultivating tenant of land in bearing Survey No.228/15 and 228/16 measuring one acre. It is asserted that the tenancy records pertaining to the above mentioned land contain the name of the petitioner's father. Upon the expiry of his father on 25.09.2003, the petitioner alleges that the relevant entry indicating his father's name has been deleted. Therefore, the petitioner submitted a representation dated 18.09.2020. In response thereto, the first respondent by communication dated 23.11.2020, directed the second respondent to conduct an inquiry and pass orders. The present writ petition is filed in view of the failure of the second respondent to take steps as directed by such communication dated 23.11.2020.



3. Mr.K.S.Selvaganesan, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the petitioner is required to submit an application in a prescribed form. In addition, he states that the other legal heirs of the petitioner's father should be heard before a decision is taken.

4. The petitioner has enclosed the record of tenancy as of 15.06.1971. The death certificate and the legal heirship certificate of his father are also enclosed. The legal heirship certificate contains the names of the petitioner's mother and three siblings. Consequently, such persons would have to be heard before the petitioner's application is decided.

5. In the above facts and circumstances, without going into the merits of the matter, the petitioner is permitted to submit an application in the prescribed format seeking the relief claimed in the representation dated 18.09.2020. Such application shall be submitted by the petitioner within a period of two weeks from the date of receipt of a copy of this order by enclosing all relevant documents. Upon receipt thereof, the second respondent is directed to consider such application and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner and the other legal heirs of the petitioner's father as indicated in the legal heirship certificate dated 17.05.2007. Such reasoned order shall be issued within a period of three months from the date of receipt of a copy of this order.

6. W.P.(MD).No.15623 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbm

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.

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



2.The Thasildar,
Vadipatti Taluk Office,
Madurai District.

+1 CC to M/s.GP (SR-28063[F] dated 03/09/2021)

W.P (MD) No.15623 of 2021
02.09.2021

WEB COPY

MGJ(13.09.2021) 3P 4C