



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.16114 of 2021

and

W.M.P(MD) .No.12981 of 2021

WEB COPY

K.Rani

... Petitioner

Vs .

- 1.The District Collector,
Collectorate Building,
Dindigul District.
- 2.The Block Development Officer,
Nilakottai Panchayat Union,
Nilakottai.
- 3.The Tahsildar,
Nilakottai.
- 4.The Village Administrative Officer,
Ethilodu Panchayat,
Nilakottai Panchayat Union.
- 5.The President,
Ethilodu Panchayat,
Nilakottai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pass orders on the representation dated 19.08.2021 thereby granting individual patta in the name of the petitioner for the land comprised in Survey No.483/28, Kongapatti Village, Ethilodu Post, Nilakottai Taluk, Dindigul District by cancelling the wrong classification as Natham Vacant land in the village records .

For Petitioner : Mr.Sivasubramanian

For R-1 to R-4 : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks the issuance of a patta in her name in respect of the land bearing Survey No.483/28, Kongapatti Village, Ethilodu Post, Nilakottai Taluk, Dindigul District.



2. The petitioner states that she has resided in the above mentioned Village for about 50 years. She traces ownership to an extent of 95.32 square metres in the above mentioned survey number under a registered sale deed bearing Document No.1833 / 1957 by which her father purchased the land from one Ayyavu Aachari. Subsequent thereto, it is stated that the land was partitioned between the petitioner and her siblings under partition deed bearing Document No.4921 / 2011. Pursuant to such partition, it is stated that the land admeasuring 95.32 square metres in Survey No.483/28 was allotted to the petitioner's share.

3. The petitioner states that a dispute arose between her and one Mr.Atchayan. Such dispute resulted in the filing of W.P. (MD).No.3525 of 2021. Pursuant to the order passed in such Writ Petition, the third respondent undertook an inspection of the relevant property and forwarded a report dated 14.06.2021. By such report, it was stated that the land bearing Survey No.483/28 of an extent of 0.04.34 square metres does not belong to the Temple and that the same belongs to the petitioner.

4. The petitioner sent a detailed representation on 19.08.2021 seeking the issuance of a patta in the aforesaid facts and circumstances. Meanwhile, it is stated that the President of the Panchayat has issued a notice to the petitioner's sister on 27.08.2021 threatening action under the Tamil Nadu Land Encroachment Act, 1905.

5. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 4. He submits that the petitioner's representation may be considered and disposed of on merits and in accordance with law.

6. The petitioner has enclosed a copy of the sale deed bearing Document No.1833 / 1957 as well as the partition deed bearing Document No.4921 / 2011. The petitioner relies upon the proceedings dated 14.06.2021 of the third respondent. Such proceedings contain an express statement to the effect that a portion of the land bearing Survey No.483/28 belongs to the petitioner. In addition, it is stated therein that the petitioner has not constructed a house in the land belonging to the Muthalamman Kovil. As such, the petitioner has made out a case for the consideration of her representation.

7. Accordingly, the second and third respondents herein are directed to consider the petitioner's representation dated 19.08.2021 and dispose of the same by a reasoned order after taking into account the earlier proceedings dated 14.06.2021. Before issuing a reasoned order in such regard, a reasonable opportunity should be granted to the petitioner and to any other person who would be affected by such decision.



8. Accordingly, W.P(MD).No.16114 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P. (MD).No.12981 of 2021 stands closed.

Sd/-

Assistant Registrar (CS-II)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/LM

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,
Collectorate Building,
Dindigul District.
- 2.The Block Development Officer,
Nilakottai Panchayat Union,
Nilakottai.
- 3.The Tahsildar,
Nilakottai.
- 4.The Village Administrative Officer,
Ethilodu Panchayat,
Nilakottai Panchayat Union.
- 5.The President,
Ethilodu Panchayat,
Nilakottai.

+1 CC to M/s.GP (SR-28814[F] dated 13/09/2021)

W.P (MD) No.16114 of 2021
09.09.2021

RK (17.09.2021) 3P 7C