



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.06.2021**

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.26272 of 2019

S.Paramasivam

... Petitioner

Vs.

1. The District Collector,
Dindigul District.

2. The District Revenue Officer,
Dindigul District.

3. The Revenue Divisional Officer,
Dindigul, Dindigul District.

4. The Tahsildar,
Nilakottai Taluk, Dindigul District.

5. Yogarani

6. P.Gandhi

... Respondents

(Respondent No.5 and 6 impleaded vide Court order dated 04.03.2020 in W.M.P. (MD) .No.23347 of 2019 in W.P. (MD) .No.26272 of 2019)

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents to separate our survey No.506/4A, which is wrongly included in Patta No.796 and provide separate new patta number on the basis of the petitioner's representation dated 08.11.2019.

For Petitioner : Mr.M.Sheik Abdullah

For R-1 to R-4 : Mr.R.Sureshkumar,
Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the official respondents to consider the representation made by the petitioner on 08.11.2019, wherein, the petitioner is seeking for a survey of the subject property and for issuance of fresh patta in the name of the petitioner.

2. The fourth respondent has filed a counter affidavit in this case and it has been stated as follows:-

*"The petition presented by the writ petitioner
is pending before the second respondent in his file*



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in Roc No.266/2019/B4, who is the authority to pass orders. The writ petitioner evaded the true facts such as registered transactions and the existing of dwelling houses in the level before this Hon'ble Court as well as is petition presented to the second respondent. The fourth respondent inspected the land and found the facts. Hence all the persons involved have to be enquired by the fourth respondent and report to be sent to the second respondent. After considering the report sent by the fourth respondent and conducting further enquiry if needed the second respondent will pass orders as per the rules. While the matter is pending before the second respondent, the writ petitioner approached this Hon'ble Court."

3. Heard M.Sheik Abdullah, learned Counsel appearing for the petitioner and Mr.R.Sureshkumar, learned Government Advocate appearing for the respondents 1 to 4.

4. It is clear from the counter filed by the fourth respondent that the matter is now pending before the second respondent and the fourth respondent has been directed to inspect the property and file a report before the second respondent and the second respondent will thereafter pass orders in accordance with law.

5. In view of the above, there shall be a direction to the second respondent to enquire all the concerned parties with respect to proceedings in Roc.No.266/2019/B4 and pass final orders within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. The petitioner is directed to make a fresh representation to the second respondent along with all the relevant documents and also a copy of this order. A copy of the representation shall also be marked to the fourth respondent

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

Sd/-

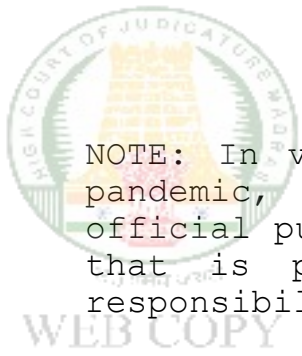
Assistant Registrar(CS-III)

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/ /2021

Sub Assistant Registrar(CS)

Tsg



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,
Dindigul District.
2. The District Revenue Officer,
Dindigul District.
3. The Revenue Divisional Officer,
Dindigul, Dindigul District.
4. The Tahsildar,
Nilakottai Taluk, Dindigul District.

+1 CC to M/s.SPL GP (SR-20753[F] dated 30/06/2021)

Order made in
W.P. (MD) .No.26272 of 2019
Dated : 29.06.2021

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KMV(CO)
TR(07.07.2021) 3P 6C