



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.958 of 2022

A.Srinivasan

.. Petitioner

Vs

1.The District Collector,
Tiruchirappalli District,
Collectorate Buildings,
Tiruchirappalli - 620 001.

2.The Tahsildar,
Srirangam,
Tiruchirappalli District.

3.The Revenue Divisional Officer,
Srirangam Zone,
Muthukulam,
Tiruchirappalli District.

4.Govindaraj
(R4 impleaded vide Court order, dated 11.03.2022 in W.M.P.(MD).
No.1777 of 2022 in W.P.(MD).No.958 of 2022)

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to initiate appropriate enquiry upon the representation/application of the petitioner to issue patta exclusively in the names of the petitioner and his brother Rajamanickam alone in respect of the property measuring an extent of Ac.0.24 cents, situate in survey number 149/15 of Koppu North, Yettarai Village, Srirangam Taluk, Tiruchirappalli, within the time frame to be fixed by this Court.

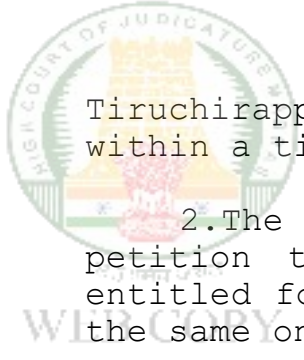
For Petitioner : Mr.K.S.Kathirvan

For Respondents : Mr.T.Amjad Khan for R1 to R3
Government Advocate

No Appearance for R4

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to issue patta in the names of the petitioner and his brother Rajamanickam alone in respect of the property measuring an extent of Ac.0.24 cents, situated in survey number 149/15 of Koppu North, Yettarai Village, Srirangam Taluk,



Tiruchirappalli, based on the representation, dated 15.11.2021, within a time frame to be fixed by this Court.

2.The petitioner has filed documents along with the writ petition to substantiate his case that he and his brother are entitled for patta. It is for the official respondents to consider the same on merits and in accordance with law.

3.No prejudice will be caused to the respondents if the petitioner's application seeking for issuance of patta for the aforementioned property is considered on merits and in accordance with law.

4.The learned Government Advocate appearing for the official respondents on instructions would submit that the application was made by the petitioner's son only and earlier notice was sent to the petitioner calling him for enquiry on the above said application. But, he had not appeared for enquiry. The learned counsel for the petitioner now submits that the petitioner is willing to participate in the enquiry proceedings. The said statement is recorded.

5.Heard Mr.K.S.Kathirvan, learned counsel appearing for the petitioner and Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents 1 to 3.

6.No prejudice will be caused to the respondents, if the petitioner's representation, seeking for issuance of patta is considered on merits and in accordance with law, after affording a fair hearing to the petitioner, the fourth respondent and other necessary parties, whom the second respondent deems fit to enquire.

7.For the foregoing reasons, since the earlier application/representation was given by the petitioner's son, this Court directs the petitioner to give a fresh representation as the petitioner is the owner of the subject property. Accordingly, this Court directs the petitioner to submit a fresh representation, seeking for issuance of patta in the names of the petitioner and his brother Rajamanickam for the property measuring an extent of Ac.0.24 cents, situated in survey number 149/15 of Koppu North, Yettarai Village, Srirangam Taluk, Tiruchirappalli, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the second respondent shall pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, the fourth respondent and any other necessary party, whom the second respondent deems fit to enquire, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is directed to furnish all the documentary evidence in support of his case that he is entitled for patta before the second respondent.



8.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD I)

// True Copy //

WEB COPY

/ /2022

Sub Assistant Registrar(CS)

TM

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,
Tiruchirappalli District,
Collectorate Buildings,
Tiruchirappalli - 620 001.
- 2.The Tahsildar,
Srirangam,
Tiruchirappalli District.
- 3.The Revenue Divisional Officer,
Srirangam Zone,
Muthukulam,
Tiruchirappalli District.

+1 CC to M/s.K.S. KATHIRAVAN, Advocate (SR-18908[F] dated 18/04/2022)

+1 CC to M/s.SPL.GP. (SR-18561[F] dated 13/04/2022)

W.P. (MD) No.958 of 2022
12.04.2022

MGJ(27.04.2022) 3P 6C