



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.2198 of 2022

WEB COPY

P.K.Govindaraj Naicker

... Petitioner

Vs.

1.The Commissioner of Land Administration,
Ezhilagam,
Chepauk,
Chennai - 600 005.

2.The District Collector,
Collectorate,
Thanjavur Town,
Thanjavur.

3.The Tahsildhar,
O/o. Taluk Office,
Pattukottai Post,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to issue patta in the light of G.O.Ms.No.314, Revenue Department, dated 18.02.1967 and in tune with the judgment and decree rendered by the Hon'ble High Court of Madras in S.A.Nos.68, 574 and 575 of 1965, S.A.No.1887 of 1996 and S.A.No.1449 of 1967 and on the strength of the order passed in W.P.No.35436 of 2006 and also the proceedings dated 14.02.2013 issued by the Principal Secretary and Commissioner of Land Administration, Chepauk, Chennai, by considering the representation sent by the petitioner dated 17.01.2022 within a stipulated time period that may be fixed by this Court.

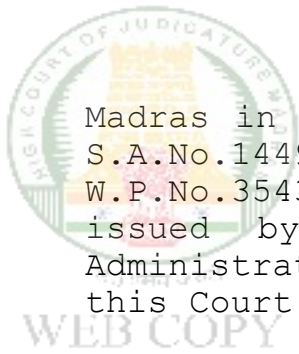
For Petitioner : Mr.Niranjan S.Kumar

For Respondents : Mr.M.Lingadurai

Special Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider the petitioner's representation dated 17.01.2022 seeking for issuance of patta in the light of G.O.Ms.No.314, Revenue Department, dated 18.02.1967 and in the light of the judgment and decree passed by the High Court of



Madras in S.A.Nos.68, 574 and 575 of 1965, S.A.No.1887 of 1996 and S.A.No.1449 of 1967 and on the strength of the order passed in W.P.No.35436 of 2006 and also the proceedings dated 14.02.2013 issued by the Principal Secretary and Commissioner of Land Administration, Chepauk, Chennai, within a time frame to be fixed by this Court.

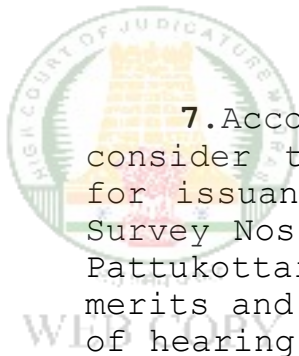
2.It is the case of the petitioner that he is the absolute owner of the property comprised in Survey Nos.26/7, 54, 56/1, 57 and 60/2 at Gopalamuthiram Village, Pattukottai Taluk, Thanjavur District. The petitioner has produced documents along with this writ petition to substantiate his claim that he is the absolute owner of the aforementioned property. He has submitted an application on 30.12.1995, seeking for issuance of patta in his favour. Since certain disputes were pending before the Courts which are referred to supra, the patta application was not processed by the respondents.

3.According to the petitioner, now the dispute has attained finality and therefore, there is no prohibition for the third respondent to issue patta in favour of the petitioner. Since the petitioner's representation seeking for patta has not been considered till date, he has filed this writ petition.

4.Heard Mr.Niranjan S.Kumar, learned Counsel appearing for the writ petitioner and Mr.M.Lingadurai, learned Special Government Pleader who accepts notice on behalf of the respondents.

5.As seen from the affidavit filed in support of this writ petition, the disputes over the aforementioned properties have been resolved according to the petitioner. It is also the case of the petitioner that the litigations which were pending has also attained finality in favour of the petitioner. The petitioner has sought for patta in respect of the aforementioned properties in his name. The application was earlier filed in the year 1995 but thereafter due to the pending litigations the patta application could not be processed. Now, according to the petitioner, since the dispute has attained finality in favour of the petitioner, there is no prohibition for the third respondent to issue patta in his favour.

6.No prejudice would be caused to the respondents if the petitioner's representation seeking for issuance of patta for the aforementioned properties is considered on merits and in accordance with law after affording a fair opportunity of hearing to the petitioner as well as the rival claimants if any. However, the petitioner will have to furnish all the documents to substantiate his claim that he is the absolute owner of the aforementioned properties and is in possession of the same.



7. Accordingly, this Court directs the third respondent to consider the petitioner's representation dated 17.01.2022 seeking for issuance of patta in his name for the properties comprised in Survey Nos.26/7, 54, 56/1, 57 and 60/2 at Gopalasamuthiram Village, Pattukottai Taluk, Thanjavur District and pass final orders on merits and in accordance with law after affording a fair opportunity of hearing to the petitioner as well as the rival claimants, if any within a period of twelve [12] weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

22/02/2022

Sub Assistant Registrar (CS)

MR

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 Commissioner of Land Administration,
Ezhilagam,
Chepauk,
Chennai - 600 005.
2. The District Collector,
Collectorate,
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3. The Tahsildhar,
O/o. Taluk Office,
Pattukottai Post,
Thanjavur District.

+1 CC to M/s. NIRANJAN S KUMAR, Advocate (SR-6951[F] dated 18/02/2022)

+1 CC to M/s. SPL GP (SR-7490[F] dated 21/02/2022)

ORDER MADE IN

W.P. [MD]No.2198 of 2022

17.02.2022

MK/22.02.2022/3P/6C