



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.2506 of 2022

WEB COPY

K.Vadamalaimuthu

... Petitioner

Vs.

1.The Commissioner of Land Administration,
O/o. The Commissioner of Land Administration,
Ezhilagam,
Chepauk,
Chennai - 5.

2.The District Collector,
O/o. District Collectorate,
Madurai District.

3.The District Revenue Officer,
District Revenue Office,
District Collector office campus,
Madurai.

4.The Tahsildar,
Melur Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 2 to 4 to conduct the enquiry and provide the Patta to the petitioner based on the assignment given by respondent No.4 dated 03.10.1947 in respect of S.No.237/3E extent about 1.20 acres situated at Ettimangalam Village, Melur Taluk, Madurai District within the time stipulated by this Court.

For Petitioner	: Mr.Mahaboob Fazil for Mr.T.Lajapathi Roy
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 2 to 4 to conduct enquiry and provide patta for the petitioner based on the assignment given by the fourth respondent dated 03.10.1947 in respect of S.No.237/3E measuring an extent of about 1.20 acres situate at Ettimangalam Village, Melur Taluk, Madurai District.



2.It is the case of the petitioner that under the aforementioned assignment dated 03.10.1947 the fourth respondent has given the property to the petitioner's father who was a freedom fighter. It is the case of the petitioner that ever since the death of his father he has been utilising the said land by carrying on agricultural activities. However, mutation of revenue records has not taken place. The petitioner has filed kist receipts before this Court to show that he has been paying the land tax. The petitioner has given a representation on 06.09.2021 seeking for issuance of patta in his name for the aforementioned property which he has been in possession for a long period of time even after the death of his father who was granted an assignment on 03.10.1947. Since the said representation has not been considered till date, the petitioner has approached this Court with the present writ petition.

3.Heard Mr.Mahaboob Fazil, learned Counsel for the writ petitioner and Mr.M.Lingadurai, learned Special Government Pleader who accepts notice on behalf of the respondents.

4.The prayer sought for by the writ petitioner is an innocuous one. No prejudice would be caused to the respondent if the petitioner's representation is considered on merits and in accordance with law. The petitioner has also filed kist receipts in the typed set of papers to show that he has been in possession of the land in question for a very long period of time. He has also filed the assignment made by the fourth respondent under which his father has been granted possession of the aforementioned property on 03.10.1947. According to the writ petitioner he and his father are in possession of the said property ever since 1947 and till date patta has not been issued.

5.In the aforementioned circumstances, this Court directs the fourth respondent to consider the petitioner's representation dated 06.09.2021 seeking for issuance of patta in his name for the aforementioned property and pass orders on merits and in accordance with law after affording a fair hearing to the petitioner within a period of twelve [12] weeks from the date of receipt of a copy of this order.

6.With the aforesaid direction, the writ petition stands disposed of. There shall be no order as to costs.

Sd/-

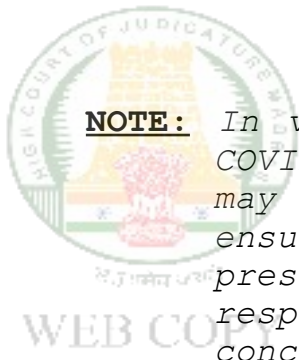
Assistant Registrar (T&P)

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/ /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,
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- 4.The Tahsildar,
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Madurai District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate(SR-4913[F] dated 09/02/2022)

+1 CC to M/s.SPL.GP (SR-5026[F] dated 09/02/2022)

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MGJ(21.02.2022) 3P 7C