



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.4803 of 2022

P.Murugan

... Petitioner

Vs.

1.The District Collector,
O/o. The District Collector,
Collectorate Campus,
Theni,
Theni District.

2.The Tahsildar,
O/o. The Tahsildar,
Bodinayakanur,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to issue patta in the name of the petitioner in respect of the petitioner's property admeasuring to an extent of 310 sq. ft in S.No.596/2, situated at Block No.3, Town Survey Ward 4, Bodinayakanoor, Theni District in 450 dated 30.09.1987 and Resolution No.430 dated 14.10.1987 and by considering the petitioner's representation dated 17.02.2022 within the period that may be stipulated by this Court.

For Petitioner : Mr.A.Nawaz Khan
for M/s.Ajmal Associates
For Respondents : Mr.M.Lingadurai
Special Government Pleader

O R D E R

This writ petition has been filed seeking for a Mandamus to direct the second respondent to issue patta in the name of the petitioner in respect of the petitioner's property measuring an extent of 310 sq. ft in S.No.596/2, situated at Block No.3, Town Survey Ward 4, Bodinayakanoor, Theni District based on the petitioner's representation dated 17.02.2022, within a time frame to be fixed by this Court.

2.It is the case of the petitioner that he is the owner of the aforementioned property. He has applied for patta for the said property through his representation dated 17.02.2022. Since his representation has not been considered till date, he has filed this

Writ Petition.



3.Heard Mr.A.Nawaz Khan for M/s.Ajmal Associates, learned Counsel appearing for the writ petitioner and Mr.M.Lingadurai, learned Special Government Pleader who accepts notice on behalf of the respondents.

4.On instructions, learned Special Government Pleader would submit that the subject property is classified as a Odai Poramboke land.

5.However, the same is refuted by the learned Counsel for the petitioner as according to him, based on the resolution No.430 dated 14.10.1987 issued by the Commissioner of Uthamapalayam Municipality, his father was assigned the land in his favour.

6.No prejudice would be caused to the respondents if the petitioner's representation is considered on merits and in accordance with law after affording a fair hearing to the petitioner.

7.Accordingly, this Court directs the second respondent to consider the petitioner's representation dated 17.02.2022 seeking for issuance of patta in his name for the property measuring an extent of 310 sq. ft in S.No.596/2, situated at Block No.3, Town Survey Ward 4, Bodinayakanoor, Theni District and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing within a period of twelve [12] weeks from the date of receipt of a copy of this order. The petitioner is directed to furnish all the documents pertaining to his claim before the second respondent during the enquiry proceedings.

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

Sd/-

Assistant Registrar (CS-III)

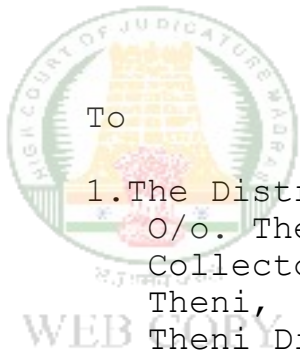
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/ /2022

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 District Collector,
O/o. The District Collector,
Collectorate Campus,
Theni,
Theni District.

2.The Tahsildar,
O/o. The Tahsildar,
Bodinayakanur,
Theni District.

+1 CC to M/s.A.NAWAZ KHAN (AJMAL ASSOCIATES), Advocate (SR-13131[F]
dated 21/03/2022)

+1 CC to M/s.SPL GP (SR-13210[F] dated 21/03/2022)

ORDER MADE IN
W.P. [MD]No.4803 of 2022
18.03.2022

KG (CO)
GC (30.03.2022) 3P 5C