



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.8200 of 2022

1.S.Chellapandiyan

2.C.Pillayar

.. Petitioners

Vs

1.The District Collector,
Tenkasi District, Tenkasi - 627 811.

2.The District Revenue Officer,
Tenkasi District, Tenkasi.

3.The Tahsildar,
Sankaran Koil Taluk,
Tenkasi District, Tenkasi.

4.Anandham

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to survey and identify the petitioners' land to an extent of 18 cents shown as per the document in favour of the petitioners in Document No. 2036/1980, dated 08.12.1980 and based on the judgment and decree passed by the Learned District Munsif Court, Sankarankoil in O.S.No.129 of 1981 and issue patta, accordingly, within a time frame fixed by this Court.

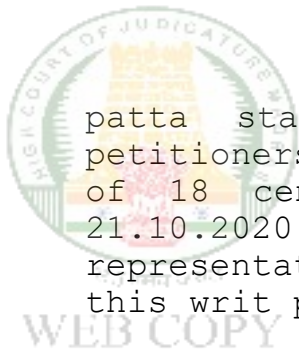
For Petitioners : Mr.T.Villavankothai

For Respondents : Mr.D.Sasikumar for R1 to R3
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus, seeking for a direction to the respondents 1 to 3 to survey and identify the petitioners' land measuring an extent of 18 cents shown as per the document in favour of the petitioners in Document No. 2036/1980, dated 08.12.1980 and based on the judgment and decree passed by the Learned District Munsif Court, Sankarankoil in O.S.No.129 of 1981 and issue patta, accordingly, within a time frame to be fixed by this Court.

2.As seen from the averments contained in the affidavit filed in support of the writ petition, there seems to be a discrepancy with regard to the measurements as found in document No.2036/1980, dated 08.12.1980, standing in the name of the petitioners and the



patta standing in their name. In such circumstances, the petitioners have sought for issuance of patta for the entire extent of 18 cents. The petitioners have given a representation on 21.10.2020 to the respondents for the said purpose. Since the representation has not been considered till date, they have filed this writ petition.

3.Heard Mr.T.Villavankothai, learned counsel for the petitioners and Mr.D.Sasikumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3.

4.On instructions, the learned Additional Government Pleader would submit that enquiry proceedings has already been initiated by the Revenue Divisional Officer, Sankarankoil and he has sought for report from the Tahsildar, namely the third respondent herein. The said statement is recorded.

5.Since the enquiry proceedings has already been initiated, no prejudice will be caused to the respondents, if the petitioners' representation is considered on merits and in accordance with law, after affording a fair hearing to them as well as the fourth respondent. Since the competent authority, who has to decide the issue, is the Revenue Divisional Officer, Sankarankoil, the petitioners have to give a fresh representation to him. The learned counsel for the petitioners agrees for the same.

6.For the foregoing reasons, this Court directs the petitioners to submit a fresh representation to the Revenue Divisional Officer, Sankarankoil, seeking for survey and identification of the petitioners' land, measuring an extent of 18 cents as shown in the sale deed, dated 08.12.1980, registered as document No.2036/1980, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the Revenue Divisional Officer, Sankarankoil, shall pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioners as well as the fourth respondent, within a period of three months, thereafter.

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

Sd/-

Assistant Registrar (AS)

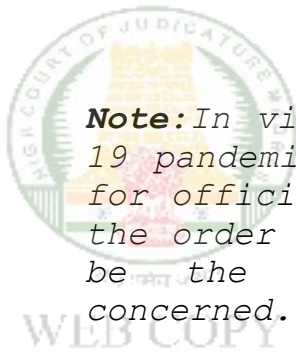
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/ /2022

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



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,
Tenkasi District, Tenkasi - 627 811.
- 2.The District Revenue Officer,
Tenkasi District, Tenkasi.
- 3.The Tahsildar,
Sankaran Koil Taluk,
Tenkasi District, Tenkasi.

COPY TO:

THE DISTRICT MUSIF,
SANKARANKOVIL.

+1 CC to M/s.SPL.GP (SR-22344[F] dated 28/04/2022)

W.P. (MD)No.8200 of 2022

27.04.2022

SRR(CO)

GC(16.05.2022) 3P 6C