



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.8594 of 2022

and

W.M.P.[MD]No.6331 of 2022

WEB COPY

S.Mohamed Zubin

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Collectorate Campus,
Nagercoil,
Kanyakumari District - 629 001.

2.The Tahsildar,
Agastheeswaram Taluk,
Taluk Office,
Collectorate Campus,
Nagercoil,
Kanyakumari District - 629 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents restore the Patta of petitioner's properties comprised in Resurvey No.741, 752/4, 752/1B and 753/3 of Kaniyankulam Village (erstwhile Vadassery Village) of Agasteeswaram Taluk, Kanyakumari District in the light of the order passed by this Court in W.A.[MD]No.1162/2015 and 1197/2015 dated 01.11.2018 and allow me to pay the Land Tax forthwith.

For Petitioner : Mr.C.Robert Bruce

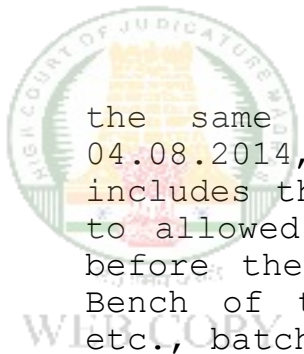
For Respondents : Mr.M.Lingadurai

Special Government Pleader

O R D E R

This writ petition is filed for a Mandamus seeking for a direction to the respondents to restore the patta of petitioner's properties comprised in Resurvey No.741, 752/4, 752/1B and 753/3 of Kaniyankulam Village (erstwhile Vadassery Village) of Agasteeswaram Taluk, Kanyakumari District in the light of the orders passed by this Court in W.A.[MD]No.1154 of 2015 etc., batch dated 01.11.2018 and W.P.[MD]No.9060 of 2014 etc., batch dated 04.08.2014.

2.According to the petitioner, earlier, the patta standing in the name of the petitioner and other land owners were cancelled and



the same was put to challenge and by a common order dated 04.08.2014, the writ petitions filed by the land owners which includes the petitioner who has filed W.P.[Md]No.12323 of 2014 came to allowed. Aggrieved by the same, the Government filed an appeal before the Division Bench and by a common order of the Division Bench of this Court dated 01.11.2018 in W.A.[MD]No.1154 of 2015 etc., batch, the writ appeals were dismissed confirming the order of the learned Single Judge dated 04.08.2014. In the light of the aforesaid decisions, the petitioner seeks for restoration of patta for the aforementioned properties. The petitioner has given a representation on 20.07.2021, to the official respondents seeking for issuance of patta in the light of the aforementioned orders of this Court. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

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

4.No prejudice would be caused to the respondents if the petitioner's representation dated 20.07.2021 seeking for restoration of patta in his name in the light of the decisions of this Court referred to supra is considered on merits and in accordance with law after affording a fair hearing to the petitioner and other necessary parties whom the respondents deem fit to enquire.

5.For the foregoing reasons, this Court directs the respondents to pass final orders on the petitioner's representation dated 20.07.2021 seeking for restoration of the patta for his properties comprised in Resurvey No.741, 752/4, 752/1B and 753/3 of Kaniyankulam Village (erstwhile Vadassery Village) of Agasteeswaram Taluk, Kanyakumari District, in the light of the orders passed by this Court in W.A.[MD]No.1154 of 2015 etc., batch dated 01.11.2018 and W.P.[MD]No.9060 of 2014 etc., batch dated 04.08.2014, within a period of three [3] months from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner, including granting him the right of personal hearing.

6.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

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/ /2022

Sub Assistant Registrar(CS)



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Kanyakumari District - 629 001.

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Collectorate Campus,
Nagercoil,
Kanyakumari District - 629 001.

+1 CC to M/s.F. DEEPAK, Advocate (SR-22431[F] dated 29/04/2022)

+1 CC to M/s.SPL. GP (SR-22966[F] dated 29/04/2022)

ORDER MADE IN
W.P. [MD]No.8594 of 2022
28.04.2022

MK/16.05.2022/3P/5C