



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.18627 of 2021

M.Ayyanar

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Sivagangai, Sivagangai District.

2.The Tahsildar,
Taluk Office,
Thiruppuvanam,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the second respondent to issue patta to the petitioner's house property to an extent of 001.52 (3 $\frac{3}{4}$ cents) in Survey No.447/1, Melasorikulam Village, Thiruppuvanam Taluk, Sivagangai District on the basis of petitioner's representation dated 06.09.2021.

For Petitioner : Mr.D.Senthil

For Respondents : Mr.S.Shanmugavel

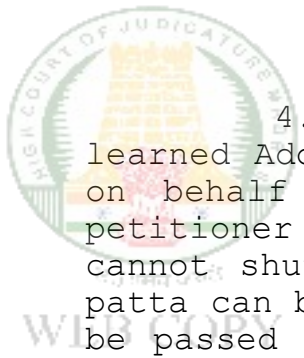
Additional Government Pleader

ORDER

Heard Mr.D.Senthil, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader who takes notice on behalf of the respondents.

2. This Writ Petition has been filed in the nature of Mandamus seeking a direction to the second respondent/ the Tahsildar, Thiruppuvanam, Sivagangai District to issue patta to the house property of the petitioner measuring 001.52 (3 $\frac{3}{4}$ cents) in Survey No.447/1, Melasorikulam Village, Thiruppuvanam Taluk, Sivagangai District. The petitioner had given a representation on 06.09.2021.

3. It is the case of the petitioner M.Ayyanar, Son of Muthu Ambalam that in the revenue records, the Survey No.447/1 stands in the name of petitioner's father, and though it is stated in the FMB plan that the entire area is vacant land, as a fact, the land in aforesaid particular survey number had been again sub divided as 447/1 and also as Survey No.88/5 and the petitioner had actually constructed a house in portion of the said land. It is therefore stated that the petitioner is entitled for patta to be granted for the aforesaid land.



4. This contention is disputed by Mr.S.Shanmugavel, learned Additional Government Pleader. A counter had also be filed on behalf of the second respondent and it is stated that the petitioner is not entitled for grant of patta. But this Court cannot shut out the doors for the petitioner herein. Whether the patta can be granted or not, is an administrative order which has to be passed by the Tahsildar. Unless, such an order is passed, the petitioner cannot have any further remedy. Dismissing the Writ Petition will be extremely harsh on the petitioner herein.

5. Learned counsel for the petitioner also bases his arguments on the revenue records available. He also claims that the respondents are relying on documents which are not to the knowledge of the petitioner. In the circumstances of these disputed facts, it is held that a direction must be issued to the petitioner herein that he must apply online in proper procedure for grant of patta, giving the actual description of land for which he seeks patta and whether it is for 447/1 and Survey No.88/5. They must give a proper description of the land namely whether it is a vacant land plus constructed house or vacant land alone. An online application be submitted and necessary charges to be paid. On receipt of such application, an obligation is placed on the Tahsildar, Sivagangai District/the second respondent to make a field inspection on the land of the petitioner herein as shown in the online application along with the surveyor, Thiruppuvanam, Sivagangai District, take measurements, examine the land of the petitioner, examine whether it is identifiable, also enquire with the villagers as to whether they are using the said land as a pathway and thereafter, after making due enquiry, pass a reasoned and considered order in manner known to law. This would clarify the situation with respect to the petitioner's own holding.

6. Let the petitioner therefore file necessary application through proper procedure on or before 31.01.2022. On receipt of such application, an obligation is placed on the Tahsildar to pass necessary order within a period of twelve (12) weeks from that particular date. The Tahsildar need not rely on the counter filed by him in the Writ Petition, but, independently apply his mind whether to grant patta or not to the petitioner herein.

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

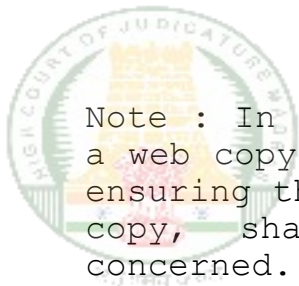
Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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.

WEB COPY

1.The District Collector,
Office of the District Collector,
Sivagangai,
Sivagangai District.

2.The Tahsildar,
Taluk Office,
Thiruppuvanam,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-692[F] dated 06/01/2022)

W.P (MD) No.18627 of 2021
04.01.2022

NSN (CO)
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