



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2022

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.24028 of 2018

Pappushan

...Petitioner

Vs.

1.The District Collector,
Nagercoil.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Padmanabapuram, Thuckalay.

3.The Tahsildar,
Vilavangkadu Taluk,
Kulithurai, Kanyakumari District.

4.The Executive Engineer,
Public Works Department, WRO
Nagercoil,
Kanyakumari District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the third respondent in Na.Ka.No.A2/8479/2018, dated 01.10.2018 and quash the same and further direct the respondents to grant patta to the property situated in Survey No.D5/256, Vilavancode Taluk, Kulithurai, Kanyakumari District.

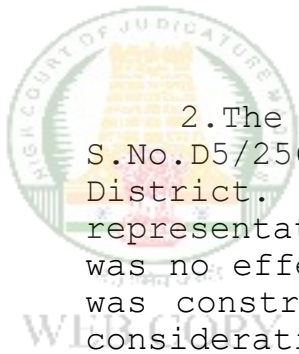
For Petitioner : Mr.R.Maheswaran

For R1 to R3 : Mr.D.Ghandiraj
Special Government Pleader

For R4 : Mr.J.John Rajadurai
Government Advocate

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus, seeking interference with the order of the third respondent/the Tahsildar, dated 01.10.2018 and to set aside the same.



2.The petitioner had been seeking patta for the property at S.No.D5/256, situated in Vilavancode Taluk, Kulithurai, Kanyakumari District. In this connection, earlier, the petitioner had given a representation, dated 10.07.2018, seeking such patta. Since there was no effective disposal of the said representation, the petitioner was constrained to file W.P(MD)No.16500 of 2018. That came up for consideration before a learned Single Judge, who, by order dated 26.07.2018, directed the third respondent to consider the said representation.

3.The impugned order has been passed consequent to such consideration. In the impugned order, it had been mentioned by the third respondent that the S.No.D5/256, measuring 0.40.10 hectares, is actually (Government poramboke) 'kulam' and had been recorded so in the Government records. It has therefore been stated that patta cannot be granted.

4.The learned Counsel for the petitioner places reliance on a series of photographs, which evidently show that the land at ground level is infact a road and there are several shops constructed on it. This is a fact, which was not highlighted by the petitioner in the earlier representation. It is also not addressed by the third respondent while rejecting the claim of the petitioner.

5.The third respondent has to balance both the entries in the revenue records and the lay of the lands as is there at present. Let a fresh order be passed by the third respondent, taking into consideration the lay of the land particularly, construction of road, construction of shops, erection of transformer over the very same area. Let the third respondent come to a considered conclusion with respect to the representation made by the petitioner herein.

6.The petitioner is also permitted to give a fresh representation enclosing necessary details. The entire exercise must be completed within a period of sixteen weeks from the date of receipt of a fresh representation, if given by the petitioner otherwise, within a period of sixteen weeks from the date of receipt of a copy of this order.

7.The order of the third respondent is not set aside. It is still maintained. But, let further orders be passed by the Tahsildar on the basis of additional materials if placed by the petitioner.



8. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Records)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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,
Nagercoil.
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3. The Tahsildar,
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Kulithurai, Kanyakumari District.
4. The Executive Engineer,
Public Works Department, WRO
Nagercoil,
Kanyakumari District.

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-435[F] dated 05/01/2022)

W.P(MD) .No.24028 of 2018
05.01.2022

RD(20.01.2022) 3P 6C