



W.P.(MD)No.21400 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.10.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.21400 of 2022

M.Panju @ Panjavarnam

.. Petitioner

Versus

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul District,
Dindigul.

3.The Tahsildar,
Aathoor Taluk,
Dindigul District.

4.The Village Administrative Officer,
Ayyampalayam Village,
Aathoor Taluk,
Dindigul District.

5.The Surveyor,
Ayyampalayam Village,
Aathoor Tahsildar Office,
Aathoor Taluk,
Dindigul District.

6.Selvi, W/o.Sundaramoorthi

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the third respondent to consider



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the representation, dated 16.08.2022 and to issue Patta to an extent of 34 cents as per the order of the Sub-Collector, Dindigul, dated 19.05.2017, by marking the boundaries, within a time frame as fixed by this Court.

For Petitioner : Mr.R.Senthil Kumar
For Respondents 1to 5 : Mr.D.Gandhiraj
Special Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the third respondent to consider the representation, dated 16.08.2022 and to issue Patta, for an extent of 34 cents, as per the order of the Sub-Collector, Dindigul, dated 19.05.2017, by marking the boundaries, within a time frame to be fixed by this Court.

2.The case of the petitioner is that she purchased the properties in S.No. 1497/1A, measuring an extent of 18.75 cents and 4 cents, and in S.No. 1503/1B2, measuring an extent of 34 cents, situated at Ayyampalayam Village, Aathoor Taluk, Dindigul District, vide Document No.3029/2009, on the file of the Sub-Registrar, Ayyampalayam. Patta No.5558 was also issued in favour of the petitioner, wherein, the extent of the land comprised in S.No.1503/B2, has been wrongly mentioned as '30 cents' instead of 34 cents and in respect of the said four cents of land, Patta No.6047 has been issued to the sixth respondent namely, Selvi, W/o.Sundaramoorthi.



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3.The petitioner submits that originally, the property in S.No.1503/1B2 stood in the names of one Durairaj Vallavarayar, Maharajan and Kableeswaran and Panju @ Panjavarnam in joint Patta No.2953. Subsequently, based on the above said sale deed, the property was sub-divided and the above said separate Patta was issued to the petitioner. The Government records, sale deed and FMB Sketch clearly show that the property comprised in the said survey number, measuring an extent of 34 cents belongs to the petitioner. Hence, the petitioner sent a petition dated 10.01.2014 to the Sub-Collector, Dindigul District, pursuant to which, a notice was issued to the respondents 4 and 6 for production of relevant documents. On the date of enquiry, both the respondents 4 and 6 appeared along with documents and after carefully perusing the same, on 19.05.2017, the Sub-Collector, vide his proceedings in Ni.Mu.No.4596/2015/Aa4, directed the third respondent/Tahsildar, Aathoor Taluk, Dindigul District, to cancel Patta No.5558 issued in favour of the petitioner in respect of the land, measuring an extent of 30 cents and Patta No. 6047 issued in favour of the sixth respondent in respect of the land, measuring an extent of 4 cents and restore joint Patta No.2953 issued in the name of the original owners and further, directed the third respondent herein to conduct an enquiry and issue Patta to the petitioner's property, measuring an extent of 34 cents, in her favour based on the documents to be submitted by her. However, no action was taken by the third respondent. Hence, the petitioner sent a



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representation dated 04.04.2022 to the respondents 1 to 4 herein to measure and demarcate her property in S.No.1503/1B2 and issue separate Patta to her for the above said property, comprising an extent of 34 cents. Even then, no action was taken. Hence, the petitioner made another representation dated 16.08.2022 to the respondents 1 to 5. Since no action has been taken on the petitioner's representations, she has approached this Court by way of filing the present Writ Petition, for the relief stated supra.

4.Though private notice was served on the sixth respondent, she has not chosen to appear either in person or through counsel.

5.The learned Special Government Pleader appearing for the respondents 1 to 5 submits that the petitioner's representation dated 16.08.2022, would be considered and appropriate orders would be passed by the third respondent on merits and in accordance with law, within a time frame.

6.Considering the above said submissions made by the learned Special Government Pleader appearing for the respondents 1 to 5, this Court, without going into the merits of the case, directs the third respondent to consider the petitioner's representation, dated 16.08.2022, and pass appropriate orders on



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merits and in accordance with law after providing an opportunity of hearing to the petitioner and the sixth respondent herein and also other necessary parties, if any, within a period of four weeks from the date of receipt of a copy of this order.

7.This Writ Petition stands disposed of with the above direction. No costs.

Index : Yes/No

12.10.2022

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V.BHAVANI SUBBAROYAN, J.

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Order made in
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