

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.22016 of 2022

Kailasa Nadar, S/o.Late. Thangasamy Nadar

.. Petitioner

Versus

1.The District Collector,
Collectorate,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Radhapuram Taluk Office,
Radhapuram,
Tirunelveli District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second respondent to provide separate Patta on the basis of the petitioner's Application No. 2022/0105/29/206176, dated 11.04.2022.

For Petitioner : Mr.B.Char Murugan

For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the second respondent to provide separate Patta, on the basis of his Application No.2022/0105/29/206176, dated 11.04.2022.

2.Heard Mr.B.Char Murugan, learned counsel appearing for the petitioner and Mr.D.Gandhiraj, learned Special Government Pleader, who takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The learned counsel appearing for the petitioner submits that the petitioner inherited certain properties and the property in S.No.99/1B, measuring an extent of 2.62.50 Hectares, which is in the joint Patta, is being possessed and enjoyed by him, using the same for agricultural purposes. He further submits that the aforesaid property in the said survey number has to be separated from the joint Patta. The said property has to be developed further and the property has to be maintained with proper records. After the lifetime of the petitioner, the property has to go his successors and his successors have to protect the said lands without any encumbrance and without any interference from others. Therefore, the petitioner submitted an application dated 11.04.2022 to the second respondent, seeking separate Patta. The second respondent has not taken any action so far. Hence, the present Writ Petition.

4.The learned Special Government Pleader appearing for the respondents has produced a notice of the second respondent dated 29.07.2022, in Na.Ka.No.A3/5854/2022, addressed to the petitioner herein and one

Mrs.Panneer Selvam, W/o.Rathinamani, wherein it has been stated that the petitioner and the said Mrs.Panneer Selvam to appear before the second respondent on 05.08.2022 at 04.00 pm. along with relevant documents, for enquiry. However, they failed to appear before the second respondent on the said date, hence, another notice dated 14.09.2022, in Na.Ka.No.A3/5854/2022, has been issued, directing them to appear before the second respondent on 23.09.2022 at 04.00 pm. along with relevant records, failing which, appropriate orders would be passed.

5.In view of the above, this Court, without going into the merits of the matter, directs the petitioner to appear before the second respondent on 23.09.2022 at 04.00 pm. along with relevant documents in support of his claim, for enquiry. The second respondent is directed to conduct an enquiry pursuant to the notice dated 14.09.2022, after affording an opportunity of hearing to the petitioner, and the said Mrs.Panneer Selvam and other necessary parties, if any, and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6.The Writ Petition stands disposed of with the above directions. No costs.

Index : Yes/No

19.09.2022

V.BHAVANI SUBBAROYAN, J.

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To

1.The District Collector,
Collectorate,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Radhapuram Taluk Office,
Radhapuram,
Tirunelveli District.

Order made in
W.P.(MD) No.22016 of 2022

19.09.2022