



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.20908 of 2021

Venkatachalam

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Collector's Office,
Nagercoil,
Kanyakumari District.

2.The Tahsildar,
Aagastheeswaram Taluk,
Collector's Office Campus,
Nagercoil,
Kanyakumari District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to correct the revenue records subject to the property measuring 7.30 Acre in Old Survey No.222/9 (Resurvey No.35/8 extent of 0.85.5 ares and Resurvey No.35/9 extent of 2.10.5 Hectares) situated at Leepuram Village, Agasteeswaram Taluk, Kanyakumari District and subsequently to grant patta in the petitioner's name regarding the said property based on petitioner's representation dated 14.10.2021.

For Petitioner	:	Mr.G.Kannan
For Respondents	:	Mr.B.Saravanan, Additional Government Pleader.

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the second respondent to correct the revenue records in respect of the property measuring 7.30 acres in Old Survey No.222/9 (Re-survey No.35/8 extent of 0.85.5 ares and Re-survey No.35/9 extent of 2.10.5 Hectares) situated at Leepuram Village, Agasteeswaram Taluk, Kanyakumari District and subsequently to grant patta in the name of the petitioner based on the petitioner's representation dated 14.10.2021 within a time frame to be fixed by this Court.



2. The petitioner claims that he is entitled for patta pursuant to a judgment and decree dated 24.01.2019 passed in S.A.No.SR24311 of 2002 by this Court. According to the petitioner, O.S.No.540 of 1986 was filed by the petitioner's family members before the Additional District Munsif Court, Nagercoil seeking for declaration of their title for the aforementioned property. The said suit came to be dismissed on 26.04.1999. Aggrieved by the same, the petitioner's family members preferred an appeal in A.S.No.9 of 2000 before the Additional Sub Court, Nagercoil and the same was allowed on 29.11.2000 reversing the judgment and decree of the Trial Court. The respondents thereafter preferred a Second Appeal before this Court and the said Second Appeal in S.A.No.SR24311 of 2002 came to be dismissed by this Court on 24.01.2019. Therefore, according to the petitioner, his title over the subject property has been declared by the Civil Court and he is the absolute owner. In such circumstances, he has submitted a representation dated 14.10.2021 seeking for correction of the revenue records for the aforementioned property and for issuance of patta in his name. Since the said representation has not been considered till date, he has filed this Writ Petition.

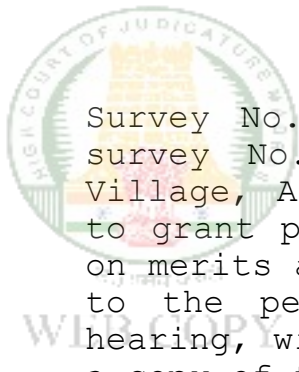
3. Heard Mr.G.Kannan, learned counsel for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4. The learned Additional Government Pleader appearing for the respondents, on instructions, would submit that the petitioner's representation has already been forwarded by the second respondent to the first respondent for further action. He would further submit that since a final call will have to be taken by the Land Administration Department, which is at Chennai, sufficient time is required for the respondents to consider the petitioner's representation on merits and in accordance with law. He would also submit that a minimum of one year period is required for considering the petitioner's representation.

5. Learned counsel for the petitioner has also not raised any serious objection for the time sought for by the learned Additional Government Pleader.

6. No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law within a period of one (1) year from the date of receipt of a copy of this order after affording a fair hearing to the petitioner and other necessary parties.

7. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 14.10.2021 requesting the second respondent to correct the revenue records relating to the property measuring 7.30 acres in Old



Survey No.222/9 (Re-survey No.35/8 extent of 0.85.5 ares and Re-survey No.35/9 extent of 2.10.5 Hectares) situated at Leepuram Village, Agasteeswaram Taluk, Kanyakumari District and subsequently to grant patta in the name of the petitioner and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner including granting him the right of personal hearing, within a period of one (1) year from the date of receipt of a copy of this order.

8. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
Kanyakumari District,
Collector's Office,
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- 2.The Tahsildar,
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**W.P. (MD) .No.20908 of 2021
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NSN(CO)

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