



W.P(MD)No.23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23120 of 2022
and
W.M.P.(MD)No.17223 of 2022

R.Ramasamy Chettiar

... Petitioner

Vs

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
2. The District Revenue Officer,
Pudukkottai District,
Pudukkottai.
3. The Revenue Divisional Officer,
Pudukkottai District,
Pudukkottai.
4. The Tahsildar,
Thirumayam Taluk,
Pudukkottai 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 respondents to consider the representation of the petitioner, dated 01.09.2022 seeking not to issue any free patta to the petitioner's property in Survey No.331/6, Old Survey No.331/1C, 331/2, 331/3



W.P(MD)No.23

situated at Konapattu Village, Thirumayam Taluk, Pudukkottai District till the disposal of the appeal in Ni.Mu.AA3/16994/2015, dated 09.07.2021 pending before the Commissioners of Land Settlement and Land Administration, Chennai.

For Petitioner : Mr.G.Mathavan
For R1 to R4 : Mr.D.Gandhiraj,
Special Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner, dated 01.09.2022 seeking not to issue any free patta to the petitioner's property in Survey No.331/6, Old Survey No.331/1C, 331/2, 331/3 situated at Konapattu Village, Thirumayam Taluk, Pudukkottai District till the disposal of the appeal in Ni.Mu.AA3/16994/2015 dated 09.07.2021 pending before the Commissioners of Land Settlement and Land Administration, Chennai.

2.Heard Mr.G.Mathavan, learned Counsel appearing for the petitioner, Mr.D.Gandhiraj, learned Special Government Pleader appearing for the respondents 1 to 4.



W.P(MD)No.23

WEB COPY

3.The learned counsel appearing for the petitioner would submit that the petitioner's mother Rama Muthathal Achi purchased the property by way of registered sale deed in Document No.157/1948 dated 27.12.1948 which was in Survey No.331/6, Old Survey No.331/1C, 331/2 and 331/3 situated at Konapattu Village, Thirumayam Taluk, Pudukkottai District. During the UDR settlement, classification of the said land was changed as Kalimanai instead of Punja Land for which, his mother preferred an appeal before the second respondent and the same was dismissed on the ground of delay. After the demise of his mother, the petitioner and his brother preferred an appeal before the Commissioner of Land Settlement and Land Administration, Chennai Ni.Mu.AA3/16994/2015 dated 09.07.2021 and the same is pending till date. The fourth respondent was also gave a report in favour of him in the appeal proceedings filed before the second respondent. But the same was not considered by the second respondent at the time of deciding the appeal. At this stage, the respondents 3 and 4 attempted to issue free patta for his property in the public function held on 29.12.2021. On the basis of his objection, no free patta was issued for his property on that day. Thereafter, the Commissioner, Land Settlement and Land Administration was also received report in the second respondent and the case is pending. On 29.08.2022 the third respondent along with fourth respondent and the Village Administrative Officer, Revenue Inspector went to his property and inspect the same without gave any notice to



W.P(MD)No.23

him. Thereafter, the petitioner has given a representation to the respondents on 01.09.2022 with request to not to do anything with his property till the disposal of the appeal pending before the Commissioner of Land Settlement and Land Administration, Chennai. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

4. The learned Special Government Pleader appearing for the respondents, on instructions, would submit that the petitioner's case has already been considered by the authorities and orders have been passed on 30.06.2021 itself. If the petitioner is aggrieved by the said order, he has to challenge the same before appropriate authority. He would further submit that appropriate direction may be given to the respondents to consider the petitioner's appeal in accordance with law, within a time frame.

5. Considering the limited scope of the prayer sought for by the petitioner, this Court directs the Commissioner of Land Settlement and Land Administration, Chennai to consider the appeal of the petitioner, dated 09.07.2021 and pass appropriate orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



W.P(MD)No.23

6. With the above direction, the writ petition stands disposed of. No costs.

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Consequently, connected miscellaneous petition is closed.

Index : Yes/No
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11.11.2022

To

- 1.The District Collector,
Pudukottai District,
Pudukottai.
2. The District Revenue Officer,
Pudukkottai District,
Pudukkottai.
3. The Revenue Divisional Officer,
Pudukkottai District,
Pudukkottai.
4. The Tahsildar,
Thirumayam Taluk,
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Copy To:-

The Commissioner of Land Settlement and
Land Administration, Chennai.



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W.P(MD)No.23

V.BHAVANI SUBBAROYAN, J.

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W.P(MD)No.23120 of 2022

11.11.2022