



W.P(MD)No.23477 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

W.P(MD)No.23477 of 2022

Aathilingam

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Sivakasi Taluk,
Virudhunagar District.

2.The Tahsildar,
Taluk Office,
Sivakasi Taluk,
Virudhunagar District.

3.The Head Surveyor,
Sivakasi Taluk,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the first respondent to dispose of the appeal in Na.Ka.A1/1651/2022 and to issue patta after conducting survey in the respect of the land comprised in S.No.224/1A3B of an extent of 0-1.62 ares situated at Naranapuram



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Village, Sivakasi Taluk, Virudhunagar District and based on the representation dated 01.09.2022 within a time stipulated by this Court.

For Petitioner : Mr.S.Veerapandi Selvam
For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a writ of Mandamus, to direct the first respondent to dispose of the appeal in Na.Ka.A1/1651/2022 and issue patta after conducting survey in the respect of the land comprised in S.No.224/1A3B of an extent of 0-1.62 ares situated at Naranapuram Village, Sivakasi Taluk, Virudhunagar District and based on the representation dated 01.09.2022.

2.Mr.D.Sadiq Raja, learned Additional Government Pleader takes notice for the respondents. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that the above said property was purchased by the petitioner in the year 2003 from one Muthukumar in document No.354 of 2003 dated 13.02.2003 before the Sub Registrar



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Office, Thiruthangal, Sivakasi Taluk. Thereafter, the petitioner wants to survey the land and he has also filed a proper application along with the relevant documents to the first respondent and no action has been taken. Hence, he made a representation on 30.06.2022. Even then no action has been taken by the concerned respondent to survey the land. Then, the petitioner filed a Writ Petition in W.P(MD).No.16230 of 2021 and the same was pending and the second respondent has proceeded with the enquiry and also verified the revenue records and village adangal records. The Village Administrative Officer found that the patta has been issued erroneously in favour of the petitioner without having the exact measurements and location of the property. Hence, the Village Administrative Officer recommended to the second respondent for cancellation for patta and to issue a fresh patta after conducting survey by his proceeding dated 02.12.2021. In continuation of the proceedings of the Village Administrative Officer as well as Tahsildar, the first respondent decided to hold an enquiry by issuing notices on 15.03.2022, 30.02.2022, 29.06.2022 and 13.08.2022 respectively, wherein the enquiry was held on 18.04.2022, 15.06.2022, 14.07.2022 and 01.09.2022 and the petitioner was directed to produce the relevant documents in respect of



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the above survey land. The petitioner has produced all the relevant records before the first respondent, who is the competent authority to rectify the mistake occurred in the revenue records during the course of UDR survey. But till date, the first respondent has not passed any order. Hence, the present writ petition has been filed seeking direction to direct the first respondent to dispose of the appeal in Na.Ka.No.A1/1651/2022 and issue patta after conducting survey in respect of the land by considering the representation dated 01.09.2022.

4. Mr.D.Sadiq Raja, learned Additional Government Pleader appearing for the respondents submitted that since there is an interruption by the third party, and without hearing them, they cannot pass appropriate orders.

5. Considering the facts and the circumstances of this Case, this Court directs the first respondent to pass appropriate orders after issuing notice to the necessary parties within a period of two months from the date of receipt of a copy of this order.



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With the above directions, this Writ Petition is disposed of. No

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Costs.

12.10.2022

Index: Yes/No

Internet: Yes/No

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To

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V.BHAVANI SUBBAROYAN,J

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Order made in
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