



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.10.2022
CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

WEB COPY

W/.P. (MD) No.23882 of 2022

M.Krishanasamy

.. Petitioner

Vs.

1.The District Collector,
Thanjavur District, Thanjavur.

2.The Revenue Divisional Officer,
Thanjavur District, at Kumbakonam.

3.The District Revenue Officer,
Thanjavur District, Thanjavur.

4.The Tahsildar,
Thiruvidaimaruthur Taluk, Thanjavur District.

5.The Taluk Surveyor,
Thiruvidaimaruthur Taluk, Thanjavur District. ...Respondents

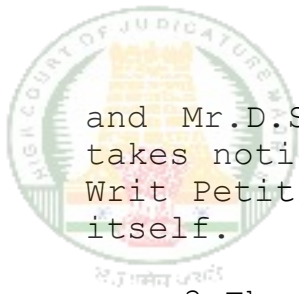
Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to issue patta relating to the property comprised in old Survey No.190/2 and new survey No.190/26 to an extent of 2448 sq.ft. (2.28 ares) situated in South Street, Thiruvidaimaruthur, Thiruvidaimaruthur Taluk, Thanjavur District by considering the petitioner's representation dated 26.08.2022 within the period stipulated by this Court.

For Petitioner : Mr.M.Maria Vinola
For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition seeking for issuance of a Writ of Mandamus, directing the respondents to issue patta relating to the property comprised in old Survey No.190/2 and new survey No.190/26 to an extent of 2448 sq.ft. (2.28 ares) situated in South Street, Thiruvidaimaruthur, Thiruvidaimaruthur Taluk, Thanjavur District by considering the petitioner's representation dated 26.08.2022.

2.Heard Mr.M.Maria Vinola, learned counsel for the petitioner
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and 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 the petitioner is that the petitioner had purchased the property in new survey No.190/26 and old survey no.190/2, Natham vacant land to an extent of 2448 sq.ft. vide sale deed dated 04.10.1999. The land, to an extent of 18 ares with a tiled house in Door No.60B, is the ancestral property of one Mohaideen Rahman. Since the said Mohaideen Rahman went to Bombay for his job and settled there, had executed a power of attorney in favour of one N.Viswanathan, who on the strength of the same had demolished the house, which was in dilapidated condition, and made the same as vacant site dividing it into 7 plots. Thereafter, he sold the same to various parties. The petitioner had also purchased a plot to an extent of 2488 sq.ft, and he is in possession and enjoyment of the same. Hence, the petitioner made a representation dated 26.08.2022 seeking patta. Till date, the same is not considered by the respondents. Hence, the petitioner has filed the present petition.

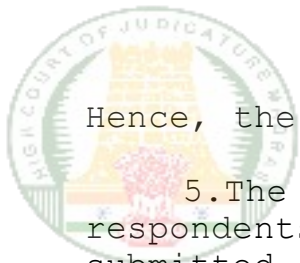
4.The learned counsel for the petitioner submitted that the application of the petitioner seeking patta was enquired by the second respondent. The petitioner also appeared for enquiry with all relevant documents. He after enquiry, recommended the third respondent to give patta based upon all the relevant documents and the circular of the Commissioner of Land Administration, Chennai, K3-14710-2015, dated 07.08.2015, in which it has been stated as follows:

"4.Since then, proposals from the District Revenue Officers have been received in respect of bona fide cases which fall into two categories-

Category I: lands with a house on ground and a detail was shown in the Field Sketch (not a vacant site), but wrongly recorded as 'Natham Vacant Site'in the village accounts during Natham Settlement. In such cases, the District Revenue Officers have been requested to pass orders to issue patta under the Natham Settlement Scheme.

Category II: The land is vacant on ground (Vacant site), but there is a clear unbroken chain of documents to establish that the ownership of the land vests with the petitioners/claimants. In such cases also, after verifying the documents, the District Revenue Officers have been requested to issue patta."

Thereafter, the petitioner made a representation dated 26.08.2022. By the time the same was not considered by the respondents till date.



Hence, the petitioner is before this Court.

5.The learned Additional Government Pleader appearing for the respondents had produced a report of the Tahsildar. He further submitted as per the circular of the Commissioner of the Land Administration, the necessary proposal will be forwarded to the Commissioner of Land Administration after receiving necessary documents from the Sub Collector, Thanjavur.

6.In view of the above, this Court is inclined to dispose of this petition. Accordingly, this Writ Petition is disposed of. The second respondent is directed to forward the proposal for further orders to the Commissioner of Land Administration as expeditiously as possible. No costs.

Sd/-

Assistant Registrar (c.o)

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/11/2022

Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
Thanjavur District, Thanjavur.
 - 2.The Revenue Divisional Officer,
Thanjavur District, at Kumbakonam.
 - 3.The District Revenue Officer,
Thanjavur District, Thanjavur.
 - 4.The Tahsildar,
Thiruvidaimaruthur Taluk,Thanjavur District.
 - 5.The Taluk Surveyor,
Thiruvidaimaruthur Taluk,Thanjavur District.
 - 6.The Commissioner of Land Administration, Chennai,
- +1 CC to M/s.M.MARIA VINOLA, Advocate (SR-50004[F] dated 18/10/2022)
- +1 CC to M/s.SPL.GP (SR-50084[F] dated 18/10/2022)

W.P. (MD) No.23882 of 2022
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AMS (03.11.2022) 3P 9C

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