



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P. [MD] No. 23134 of 2021

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1.P.Durairaj
2.V.Nesh Kannan

... Petitioners

/Vs./

1.The Additional Chief Secretary /
Commissions of Revenue Administration,
Chepauk,
Chennai - 600 005.

2.The Additional Director,
Survey and Land Records Department,
Survey House,
Chepauk,
Chennai - 600 005.

3.The District Collector,
Madurai District,
Madurai - 625 020.

4.The District Revenue Officer,
Madurai District,
Madurai - 625 020.

5.The Revenue Divisional Officer,
Melur @ Narasingampatti,
Madurai District.

6.The Tahsildar,
Madurai East Taluk,
Narasingam,
Y.Othakkadai (via),
Madurai - 625 107.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd or 3rd respondents to conduct an enquiry on the 1st petitioner's representation dated 28/06/2021 giving due opportunity of being heard to the petitioners and pass orders to grant patta i.e. Natham Manai Patta in favour of the 2nd petitioner for the 1 cent Natham Private House Site (Manai) in Old Survey No.53, New Survey No.53/2



and present survey No.74/4 in Melamadai I Bit Village, Madurai East Taluk, Madurai District, within a time limit to be fixed by this Court.

For Petitioners	: Mr.A.Thirumurthy
For Respondents	: Mr.M.Lingadurai
	Special Government Pleader

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ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the second and third respondents to pass orders on the first petitioner's representation dated 28.06.2021 seeking for issuance of patta in the name of the second petitioner for the property being Natham Private House Site measuring one cent in Old Survey No.53, New Survey No.53/2 and present survey No.74/4 in Melamadai I Bit Village, Madurai East Taluk, Madurai District, and pass orders, within the time limit to be fixed by this Court.

2.The case of the petitioner is that the first petitioner had executed a gift settlement deed dated 28.11.2007 registered as Document No.4328/07 in favour of the second petitioner, who is his grandson. The first petitioner applied for patta to be issued in favour of the second petitioner. Earlier, it was applied before the Thasildar and since the contention was raised that being a natham land, it has to be applied only before the first and second respondents, the first petitioner has given a representation on 28.06.2021 seeking for issuance of patta before the said authorities. Since the said representation has not been considered till date, the petitioners have filed this writ petition.

3.Heard Mr.A.Thirumurthy, learned Counsel for the writ petitioners and Mr.M.Lingadurai, learned Special Government Pleader for the respondents.

4.No prejudice will be caused to the respondents, if the first petitioner's representation seeking for issuance of patta in the name of the second petitioner is considered on merits and in accordance with law, after affording a fair hearing to the petitioners and other rival claimants, if any, within the timeframe to be fixed by this Court.

5.Accordingly, this Court directs the first and second respondents to consider the first petitioner's representation dated 28.06.2021 seeking for issuance of patta for the property Natham Private House Site measuring one cent in Old Survey No.53, New Survey No.53/2 and present survey No.74/4 in Melamadai I Bit Village, Madurai East Taluk, Madurai District, and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioners and other rival claimants, if any, within a period of five (5) months from the date of receipt of a copy of this order.

<https://hcservices.ecourts.gov.in/hcservices/>



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

Sd/-

Assistant Registrar (CS II)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Additional Chief Secretary /
Commissions of Revenue Administration,
Chepauk, Chennai - 600 005.
2. The Additional Director,
Survey and Land Records Department,
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3. The District Collector,
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5. The Revenue Divisional Officer,
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Madurai District.
6. The Tahsildar,
Madurai East Taluk,
Narasingam,
Y.Othakkadai (via),
Madurai - 625 107.

+1 CC to M/s.A.THIRUMURTHY, Advocate (SR-7219[F] dated 18/02/2022)

+1 CC to M/s.SPL GP (SR-7469[F] dated 21/02/2022)

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MGJ(02.03.2022) 3P 9C