



W.P(MD)No.24592

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.24592 of 2022

B.Seenivasan

... Petitioner

Vs

1.The District Collector,
O/o. District Collectorate,
Thoothukudi.

2.The Revenue Divisional Officer,
Thoothukudi.

3.The Tahsildar,
Ettayapuram Taluk,
Thoothukudi District.

4.The Village Administrative Officer,
Muthalapuram Village,
Ettayapuram Taluk,
Thoothukudi.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 4th respondent to survey the land and demarcate the property in S.No.402/2 to and extent of 7 cents (0.55.50 Ares) situated at North Muthalapuram Village, Ettayapuram Taluk, THoothukudi District by considering my representation dated 12.07.2022.

For Petitioner

: Mrs.V.Sebastinal Preethi

For R1 to R4

: Mr.A.Kannan

Additional Government Pleader



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ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the 4th respondent to survey the land and demarcate the property in S.No.402/2 to and extent of 7 cents (0.55.50 Ares) situated at North Muthalapuram Village, Ettayapuram Taluk, THoothukudi District by considering my representation dated 12.07.2022.

2.Heard Mrs.V.Sebastinal Preethi, learned counsel appearing for the petitioner, Mr.A.Kannan, learned Additional Government Pleader appearing for the respondents 1 to 4.

3.The learned counsel for the petitioner submits that the property belongs to Kammavar community with the total extent of 7 cents bearing S.No.402/2, North Muthalapuram Village, Ettayapuram Taluk, Thoothukudi District and the same is used for the benefits and welfare of the community people. Though the property was enjoyed by the said community people, the government did not provide patta to the said land. As a result, the community people gave a representation on 29.10.2019 for issuance of patta in order to construct community hall. The 2nd respondent on his proceedings in Aa1/1033/2019 dated 23.02.2019, states that based on the proceedings of the 3rd respondent, the said property in S.No.402/2 with total extent of



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0.55.50 Ares defined as Joint Patta, thereby bearing Patta No.103 is belongs to community of 53 persons in addition to that 78 persons belongs to Kammavar Community, 10 persons belongs to Thevar Community, 12 persons belongs to Muthaliyar Community and 12 persons belongs to Yadav Community. Based on the enquiry the 2nd respondent confirmed the proceedings of the 3rd respondent thereby states that the property in S.No.402/2 with the extent of 7 cents belongs to said Kammavar Community before 50 years ago after 1978, it was fully dilapidated and now it is a barren land and said Kammavar COMMUNITY enjoying the said land and they constructed communitiy Hall and enjoying the same and ascertain that though the property was enjoying by the peoples of Kammavar COMMUNITY, they have full rights to enjoy the property. Hence, the petitioner has given a representation dated 12.07.2022 to the respondents 3 & 4 to survey the land. Since, the respondents did not take any action, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

4.The learned Additional Government Pleader appearing for the respondents 1 to 4 would submit that appropriate direction may be given to the respondents 1 to 4 to consider the petitioner's representation, dated 12.07.2022, in accordance with law, within a time frame.



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5.Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the respondents to consider the petitioner's representation dated 12.07.2022 and after issuing notice and affording an opportunity to the parties concerned, conduct survey in their presence and demarcate the land in S.No.402/2 situated at North Muthalapuram Village, Ettayapuram Taluk, Thoothukudi District and pass orders in accordance with law and communicate the decision taken by the respondents to the petitioner and others concerned. Such exercise shall be completed within a period of Sixteen (16) weeks from the date of receipt of a copy of this order.

6.This Writ Petition stands disposed of with the above directions. No costs.

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V.BHAVANI SUBBAROYAN, J.

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