



W.P.(MD) No.24962 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2022

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE R.MAHADEVAN**

**W.P.(MD) No.24962 of 2022
and
W.M.P.(MD)No.19072 of 2022**

Malaisamy

... Petitioner

-VS-

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Ponnamaravathi Taluk,
Pudukkottai District.

3.The Revenue Inspector,
Ponnamaravathi Taluk,
Pudukkottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining the impugned notice in Na.Ka.No.1727/2022/A2 dated 14.10.2022 served on 27.10.2022 by the



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3rd respondent and quash the same and consequently direct the respondents to issue patta in favour of the petitioner in Survey Nos.670 and 689 with an extent of 44 ares situated at Varpattu Village, Ponnamaravathi Taluk, Pudukkottai District, based on his representation dated 22.08.2022.

For Petitioner : Mr.M.Ramu

For Respondents : Mr.N.GA.Nataraj
Government Advocate
for R.1 to R.3

ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

This writ petition has been filed challenging the impugned proceedings in Na.Ka.No.1727/2022/A2, dated 14.10.2022, passed by the third respondent and consequently, for a direction to the respondents to issue patta in favour of the petitioner in Survey Nos.670 and 689, measuring an extent of 44 ares, situated at Varpattu Village, Ponnamaravathi Taluk, Pudukkottai District, based on his representation dated 22.08.2022.



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2. Heard Mr.M.Ramu, learned counsel for the petitioner and Mr.N.GA.Nataraj, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 3. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

3. Learned counsel for the petitioner would submit that the petitioner is a poor landless agriculturist and living in the village along with his family members. It is the claim of the petitioner that he has been enjoying the land in Survey Nos.670 and 689, having an extent of 44 Ares (nearly one Acre) at Varpattu Village, Ponnamaravathi Taluk, Pudukkottai District, by constructing a small house and he has been paying the house tax. As he has been in long occupation of the land in question, he has given a representation dated 22.08.2022, to the second respondent with the prayer to approve his enjoyment by issuing patta. In the meanwhile, one Malaisamy has filed W.P(MD) No.17116 of 2022, impleading the petitioner as the fourth respondent, making an allegation that the petitioner is an encroacher in respect of the land in Survey Nos. 670 and 689 and therefore, he should be removed. The said writ petition is pending before this Court and based on the notice issued therein, the petitioner has been issued



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with the earlier notice dated 05.09.2022. Thereafter, challenging the same, W.P(MD) No.22001 of 2022 was filed by the petitioner and this Court, by its order dated 16.09.2022, taking note of the fact that he is a landless poor agriculturist and he has also made a representation seeking patta, directed the second respondent to consider the same. In spite of the order dated 16.09.2022, he pleaded, till date no order has been passed.

4. Learned Government Advocate appearing for the respondents also submitted that the copy of the order dated 16.09.2022 passed by this Court in W.P(MD) No.22001 of 2022 has been received by the respondents on 01.11.2022 and on receipt of the same, the representation of the petitioner is under consideration. In the meanwhile, the petitioner has come before this Court challenging the impugned notice.

5. As this Court had already passed an order dated 16.09.2022, while disposing of the writ petition in W.P(MD) No.22001 of 2022, questioning the similar impugned notice in Na.Ka.No.1292/2022, dated 05.09.2022, directed the Tahsildar, Ponnamaravathi Taluk – Second respondent to consider the petitioner's



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request for issuance of patta in respect of the land in question and the same is also under consideration and since the petitioner claims that he is a landless poor agriculturist, we set aside the impugned notice dated 14.10.2022 and direct the respondents 2 and 3 to consider the representation of the petitioner dated 22.08.2022, as directed by this Court in W.P(MD) No.22001 of 2022 and pass order on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

6. The writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

[T.R., A.C.J.] [R.M.D., J.]
03.11.2022

Index : Yes / No
Internet : Yes / No
sj/pkn

To:

1. The District Collector,
Pudukkottai District,
Pudukkottai.



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THE HON'BLE THE ACTING CHIEF JUSTICE
and
R.MAHADEVAN, J.

sj/pkn

- 2.The Tahsildar,
Ponnamaravathi Taluk,
Pudukkottai District.
- 3.The Revenue Inspector,
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