



W.P.(MD)No.25103 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.11.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.25103 of 2022

Ganapathy

.. Petitioner

Vs.

1.The District Revenue Officer,
Ramanathapuram District.

2.The Tahsildar
Tahsildar Office,
Thiruvadanai Taluk,
Ramanathapuram District.

3.The Firka Surveyor
Pulloor Group,
Tahsildar Office,
Thiruvadanai Taluk,
Ramanathapuram District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to comply the order of the first respondent in Pa.Mo. 52392/2013(B6), dated 17.12.2014 within the stipulated period fixed by this Court pertaining to the lands situated in survey No.91/10 to an extent



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of 48 cents in Puliur Village, Pulloor Group, Thiruvandanai Taluk,
Ramanathapuram District.

For Petitioner : Mr.SA.Ajmalkhan

For Respondents : Mr.C.Satheesh,
Government Advocate

ORDER

The petitioner has filed this Writ Petition seeking for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to comply the order of the first respondent in Pa.Mo.52392/2013(B6), dated 17.12.2014 within the stipulated period fixed by this court in respect of the land in survey No.91/10 to an extent of 48 cents situated at Puliur Village, Pulloor Group, Thiruvandanai Taluk, Ramanathapuram District.

2.Heard Mr.SA.Ajmalkhan, learned counsel for the petitioner and Mr.C.Satheesh, learned Government Advocate, who takes notice for the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.



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3.The learned counsel for the petitioner submitted that originally the property in survey No.91/10 to an extent of 48 cents situated at Puliyur Village, Pulloor Group, Thiruvandanai Taluk, Ramanathapuram District, belongs to the petitioner's grand-father N.Kalimuththan. After his demise, the property was inherited by the petitioner's father K.Nagalingam @ Subbiramaniyan. Thereafter, the property devolved to the petitioner and his family members. Surprisingly, the patta was stood in some other person during the UDR scheme. Immediately, the petitioner filed a petition before the first respondent, District Revenue Officer. The first respondent directed the second respondent to resurvey the land and grant patta in favour of petitioner's family members, through his proceedings in Pa.Mo.52392/2013(B6), dated 17.12.2014.

4. The learned counsel further submitted that against the order of the first respondent, W.P.(MD) No.964 of 2015 was filed by R.Gopal and another and this Court passed an order on 20.07.2022, confirming the order of the first respondent. Moreover, the petitioner and his family members filed a suit in O.S.No.96 of 2013, before the Sub-Court, Ramanathapuram, for the relief of Declaration and Mandatory Injunction and Recovery of Possession as against the writ petitioner in W.P.(MD)



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No.964 of 2015. The same was decreed in their favour. Against which they preferred an appeal in A.S.No.38 of 2020 before the Principal District Court, Ramanathapuram and the same was dismissed on 27.04.2021. Thereafter, the petitioner sent a representation to the second respondent on 22.08.2022 in person and had remitted necessary charges for issuance of separate patta and seeking survey of his property as per the order of the first respondent, dated 17.12.2014. Besides, the petitioner gave an application through online on 29.09.2022. But till date, no action has been taken by the respondents. The petitioner also sent legal notice to the respondents 2 and 3 on 07.10.2022. Even thereafter, no positive action has been taken. Hence, the petitioner has filed the present writ petition.

5. The learned Government Advocate appearing for the respondents would submit that necessary steps will be taken by the authorities concerned to comply with the order of the first respondent as sought for by the Petitioner, within the time limit specified by this Court.

6. In view of the above submission, this Court directs the respondents 2 and 3 to consider the representations of the petitioner, dated 22.08.2022 and 29.09.2022 and pass appropriate orders, in the light of the



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proceedings in Pa.Mo.52392/2013(B6), dated 17.12.2014, on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of.

No costs.

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Index : Yes/No
Internet : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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Order made in
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