



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 01.12.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.27221 of 2022

S.Vairu Samy

..Petitioner

Vs

1.The Sub-Collector,
Periyakulam,
Theni District.

2.The Tahsildar,
Theni.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to issue patta in respect of S.No.414/3A to an extent of 24 acres, Koduvilarpatty Village, Theni District after removing the classification of Anatheenam in the revenue records based on the representation, dated 15.3.2021 preferred by the Petitioner within the time stipulated by this Court.

For Petitioner :Mr.B.Jeyakumar

For Respondents:Mrs.K.Christy Theboral
1 and 2 Addl.Govt.Pleader

ORDER

The Petitioner has prayed for issuance of a Writ of directing the respondents to issue patta in respect of S.No.414/3A to an extent of 24 acres, Koduvilarpatty Village, Theni District after removing the classification of Anatheenam in the revenue records based on the



representation, dated 15.3.2021 preferred by the Petitioner within the time stipulated by this Court.

2.Mrs.K.Christy Theboral, learned Additional Government Pleader takes notice for the respondents 1 and 2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that the Petitioner is in possession and enjoyment of the prayer mentioned property and eke out his livelihood from the income derived from the said property and the same has been in the possession and enjoyment of the Petitioner for the past 100 years. Further the Petitioner's father Suruliyandi and grand-father Subbaiyan are in possession and enjoyment of the above said property with agricultural activities. Further S.No.414 comprises a total extent of 4 acres and 47 cents.The said survey number has been sub-divided and they are in possession of his relatives. Further, the respondent has mistakenly entered the Petitioner's land in S.No.414/3A as Anatheenam in revenue records.The Petitioner's grand-father and father did not obtain patta in their name and they had no knowledge of the above said classification of the land. The Petitioner also received revenue records from the respondents through Right to Information Act that S.No.414/3A is classified as Anatheenam. In this regard, the Petitioner has submitted a representation on 15.03.2021 to the respondents to rectify the said



mistake and to issue patta in the Petitioner's favour. The Petitioner's relatives have obtained patta for the very same sub-divided land in their own name. The first respondent forwarded the Petitioner's representation to the second respondent for submitting a report after due enquiry through proceedings, dated 20.4.2021. Since the same was not done so far, the Petitioner has filed this Writ Petition for the relief stated supra.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that the second respondent shall conduct an enquiry as ordered by the first respondent and pass necessary orders based on the representation of the Petitioner, within the time limit prescribed by this Court.

5. In view of the above submission, this Court, without going into the merits of the matter, directs the second respondent to conduct an enquiry based on the proceedings of the first respondent, dated 20.4.2021 in the light of the representation of the petitioner, dated 15.3.2021 submitted in this regard and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of sixteen weeks from the date of receipt of a copy of this order.



6. With the above direction, the Writ Petition stands disposed of. No costs.

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01.12.2022

Index : Yes/No
Internet: Yes/No
vsn

To

1. The Sub-Collector,
Periyakulam,
Theni District.

2. The Tahsildar,
Theni.



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V.BHAVANI SUBBAROYAN,J

vsn

ORDER MADE IN

W.P(MD)No.27221 of 2022

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