



W.P.(MD)No.27247 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.12.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.27247 of 2022

M.Mukkaiah

... Petitioner

Vs

1.The District Collector,
Theni Collectorate Buildings,
Theni – 625 531,
Theni District.

2.The Tahsildar,
Uthamapalayam Taluk Office,
Uthamapalayam Post – 625 533,
Theni District.

3.The Commissioner,
Chinnamanur Municipality,
Chinnamanur – 625 515,
Theni District.

4.The Town Surveyor,
Chinnamanur Municipality,
Chinnamanur – 625 515,
Theni District.

... 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 1 and 2 to provide Patta based on the proceedings of the second respondent in O.Mu.No.7389/09/A3, dated 03.08.2009, in land in Survey No.286, Ward 'A'



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Block No.14, T.S.No.8/6, Chinnamanur Village, Uthamapalayam Taluk, Theni District in E.B. Connection No.05-541-01-546L, to an extent of 1-3/4 cents (786 square feet) based on the petitioner's representation dated 15.10.2022, in accordance with law, within the time limit to be stipulated by this Court.

For Petitioner : Mr.K.Neelamegam

For Respondents 1 and 2: Mr.D.Gandhiraj
Special Government Pleader

For 3rd Respondent : Mr.Hemakarthiskeyan

ORDER

The petitioner has prayed for issuance of a Mandamus, directing the respondents 1 and 2 to provide Patta based on the proceedings of the second respondent in O.Mu.No.7389/09/A3, dated 03.08.2009, in Survey No.286, Ward 'A', Block No.14, T.S.No.8/6, Chinnamanur Village, Uthamapalayam Taluk, Theni District, in E.B. Connection No.05-541-01-546L, to an extent of 1-3/4 cents (786 square feet) based on his representation, dated 15.10.2022, in accordance with law, within the time limit to be stipulated by this Court.

2. Heard Mr.K.Neelamegam, learned counsel for the petitioner; Mr.D.Gandhiraj, learned Special Government Pleader, who takes notice for the respondents 1 and 2; and Mr.Hema Karthiskeyan, learned Standing Counsel, who takes notice for the third respondent. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. Having regard to the nature of the order proposed to be passed in this

Writ Petition, notice to the fourth respondent is dispensed with.

4. According to the learned counsel for the petitioner, the petitioner is residing in the property in question along with his family members. He sent representations on several occasions to the respondents, especially, on 15.10.2022, requesting them to provide Patta for the property in question, in his name. Since the same have not been considered so far, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

5. The learned Special Government Pleader appearing for the respondents 1 and 2, on instructions, submitted that the land in question has been classified as cart track [வண்டி பாதை] and hence, there is no possibility of granting Patta to the petitioner. Further, the learned Special Government Pleader submitted that the question as to whether the said land is a Natham land or cart track has to be considered by the second respondent.

6. Recording the aforesaid submission made by the learned Special Government Pleader appearing for the respondents 1 and 2, this Court, without going into the merits of the case, directs the second respondent to consider the



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the representation of the petitioner, dated 15.10.2022, in the light of the classification of the land in question and pass appropriate orders, after affording an opportunity of hearing to the petitioner and other necessary parties, if any, within a period of sixteen weeks from the date of receipt of a copy of this order.

7. This Writ Petition stands disposed of with the above direction. No costs.

01.12.2022

Index : Yes/No
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3. The Commissioner,
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V.BHAVANI SUBBAROYAN, J.

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