



WEB COPY



W.P.No.28613 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.28613 of 2023

M.Balasubramanian

...
/vs/

Petitioner

1.The District Collector,
Nagapattinam District,
Nagapattinam.

2.The District Revenue Officer,
Nagapattinam District,
Nagapattinam.

3.The Revenue Divisional Officer,
Vedharanyam, Nagapattinam District.

4.The Tahsildar,
Vedharanyam Taluk,
Nagapattinam District.

...

Respondents

PRAYER : The writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 4th respondent to conduct the enquiry based on the 3rd respondent's recommendation vide O.Mu.5213/2022/A3 dated 29.12.2022 and issue separate patta in petitioner name in respect of the B schedule property in



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Survey Nos.41/10A-45 Cents, 142/12C-54 Cents, 142/15-28 Cents, 142/15-15 Cents total extent of 1 Acre 42 Cents at Pannal Village Vedharanyam Taluk, Nagapattinam District and include petitioner name in A-Schedule Property by considering petitioner's representation dated 15.12.2022 within the time framed by this Hon'ble Court.

For Petitioner ... Mr.S.Anbazhagan

For Respondents ... Mr.P.Gurunathan
Additional Government Pleader

ORDER

The writ petition has been filed to issue a Writ of Mandamus directing the 4th respondent to conduct an enquiry based on the 3rd respondent's recommendation, vide O.Mu.5213/2022/A3 dated 29.12.2022 and issue separate patta in petitioner's name in respect of the B schedule property in Survey Nos.41/10A-45 Cents, 142/12C-54 Cents, 142/15-28 Cents, 142/15-15 Cents, total extent of 1 Acre 42 Cents at Pannal Village Vedharanyam Taluk, Nagapattinam District and include petitioner's name in A-Schedule Property by considering petitioner's representation dated 15.12.2022.



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2. When the writ petition is taken up for hearing, the learned Additional Government Pleader appearing for the respondents submitted that based on the recommendation of the third respondent in O.M.5213/2022/A3, dated 29.12.2022, the 4th respondent had issued notice to the petitioner as well as rival claimants through his proceedings in Na.Ka.65/2023/B5 to appear before him. Except the petitioner, all the rival claimants did not appear before the 4th respondent on 23.05.2023, 12.10.2023 and 13.10.2023, whereas, the 4th respondent did not pass any final order on the recommendation made by the third respondent. Further, it is stated in the counter affidavit that the rival claimants orally informed the 4th respondent that they are awaiting for the verdict in O.S.No.57 of 2020 filed by the petitioner and the same is pending on the file of the District Munsif cum Judicial Magistrate, Vedaranyam.

3. Considering the submissions made by the learned Additional Government Pleader and the recommendation of the third respondent, dated 29.12.2022 and the petitioner herein has not impleaded the rival claimants in this writ petition, the 4th respondent is directed to issue fresh



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notice to the petitioner as well as the rival claimants and give final opportunity and conduct an enquiry and dispose of the representation made by the petitioner in accordance with law on merits within a period of three months from the date of receipt of a copy of this order.

4. With the above direction, the writ petition is disposed of. No Costs.

Index : Yes/No

02.11.2023

speaking order: Yes/No

Neutral Citation: Yes/No

sms

To

1. The District Collector,
Nagapattinam District,
Nagapattinam.

2. The District Revenue Officer,
Nagapattinam District,
Nagapattinam.

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P.VELMURUGAN,J.

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