



W.p.No.29151 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.29151 of 2023

A.Sivakumar

...

Petitioner

/vs/

1.The District Collector,
Namakkal District,
Namakkal.

2.The District Revenue Officer,
Collectorate,
Thiruchengode Road,
Namakkal – 637 003.

3.The Revenue Divisional Officer,
RDO Office, Mohanur Road,
Thillaipuram, Namakkal-637 001.

4.The Tahsildar,
Senthamangalam Taluk Office,
Namakkal District.

5.S.Shanmugam

6.Ramayee

...

Respondents



W.p.No.29151 of 2023

PRAYER : The writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd and 3rd respondents to consider the petitioner's application dated 16.07.2018 and reminder application dated 03.12.2021 and rectify the error for inclusion name of the 5th and 6th respondents in the UDR and transfer the patta in the name of the petitioner in respect of the land in S.No.50/8B, Muttanchetty Village, Senthamangalm Taluk, Namakkal District.

For Petitioner	...	Mr.V.Elangovan
For Respondent Nos.1 to 4	...	Mr.V.Veluchamy Additional Government Pleader
For Respondent No.5 & 6	...	No appearance

ORDER

The present writ petition has been filed to direct the respondents to consider the petitioner's application dated 16.07.2018 and reminder application dated 03.12.2021.

2.The order of this Court dated 06.11.2023 has been complied with. In support of the same, the learned Additional Government Pleader filed receipt for payment of costs along with the memo and the same is recorded.



W.p.No.29151 of 2023

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3.The respondents have filed their counter stating that the petitioner has not produced any document and the details of the property under the enjoyment of the third parties. Therefore, the petitioner is not eligible for getting Patta.

4.The fact remains that the petitioner made an OnLine application dated 16.07.2018 and also made reminder on 03.12.2021 but so far, the respondents have neither issued any notice to the petitioner nor conducted any enquiry and pass the order on the application made by the petitioner. The petitioner is waiting from 2018 till 2023. Since he could not get any response from official respondents, he approached this Court by way of this writ petition.

5.Despite serving of notice on the private respondents in the mode of substituted service, none appeared. No records are produced to show that the official respondents issued notice to the petitioner and conducted any enquiry on the application made by the petitioner dated 16.07.2018. The



W.p.No.29151 of 2023

attitude of the official respondents are highly reprehensible. They stated in the counter regarding the right, title and possession of the petitioner.

However, it is also without issuing notice to the petitioner and conducting enquiry. Therefore, the official respondents are directed to issue notice to the petitioner and also the private respondents and the adjacent owner of the petitioner's property and interested/rival claimants if any or if any other persons are in possession of the property and after giving opportunity to all the parties, conduct the enquiry and pass the order on merits and in accordance with law. The said exercise shall be completed within a period 2 months from the date of receipt of a copy of this order.

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

Index : Yes/No
Speaking Order: Yes/No
Neutral case citation: Yes/No
sms

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P.VELMURUGAN,J.

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