



W.P(MD)No.4099 of 2011

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.4099 of 2011

K.Dhandayutham

...Petitioner

Vs

1.The District Collector,  
District Collectorate,  
Trichy – 1,  
Trichy District.

2.The Tahsildar,  
Taluk Office,  
Thiruverumbur,  
Trichy District.

3.The Zonal Deputy Tahsildar,  
Taluk Office,  
Thiruverumbur,  
Trichy District.

4.Ravi

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent herein to consider the petitioner's



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representation dated 14.02.2011 with regard to issuance of patta to his property situated at Trichy District, Trichy Taluk, Navalpattu Village in S.F.No.310/3 an extent of Ac.17.50 cents of punja lands, within the stipulated period as may be fixed by this Court.

|                |                                                                                                              |
|----------------|--------------------------------------------------------------------------------------------------------------|
| For Petitioner | : Mr.R.Govindaraj                                                                                            |
| For R1 to R3   | : Mr.R.Baskaran<br>Additional Advocate General<br>Assisted by<br>Mr.Shaji Bino<br>Special Government Pleader |
| For R4         | : No appearance                                                                                              |

### **ORDER**

The petitioner has approached the Revenue officials for issuance of patta in favour of him for the lands in Survey No.310/3 to an extent of 17.50 cents based on the decree obtained by him from the competent civil Court in O.S.No.1017 of 2008. However, the respondents have not acted upon it. Therefore, the petitioner has filed this writ petition in the year 2014, for a Mandamus, directing the respondents to grant patta in favour of the petitioner, by considering his representation, dated 14.02.2011.



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2. When this writ petition is taken up for hearing, the learned Additional Advocate General appearing for the respondents 1 to 3, by referring the counter affidavit, dated 20.04.2023 submits that the petitioner died as early as on 16.01.2022. He further submits that the petitioner has made out a case by referring Patta No.420, which is not related to Survey No.310/3 and it is related to S.No. 189/22. He further submits that S.No.310/3 to an extent of 2.56.0 Ares is classified as 'Government un-assessed Tharisu land' and the remarks in the “A” Register reflects as 'kalarbhoomi'.

3. The learned counsel appearing for the petitioner submits that he is not in a position to get instructions and seeks further time to ascertain the legal heirs of the petitioner, if anybody and to file necessary application to substitute them to proceed with the case.

4. This Court considered the rival submissions made and also perused the materials placed on record.



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5.The petitioner claims right over the property in Survey No.310/3 based on the decree in O.S.No.1017 of 2008. However, the respondents disputed the same that the petitioner's claim is based on Patta No.420, which is actually related to S.No.189/22 and not pertaining to Survey No.310/3, as claimed by the petitioner. Also, the land is classified as 'Government un-assessed Tharisu land' and as per the “A” Register, it is 'kalarbhoomi'.

6.Considering the facts that this writ petition is pending from the year 2011, the petitioner is no more, the petitioner's counsel is not in a position to contact the legal heirs of the petitioner and the specific stand taken by the respondents, this Court feels that instead adjourning this writ petition further, it is fit to dispose of this writ petition granting liberty to the legal heirs of the petitioner, if anybody, to pursue the case by filing a suit before the competent civil Court.



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7. With such liberty, this writ petition is disposed of. On such filing of a suit, the trial Court shall entertain the same without insisting upon the limitation, considering the pendency of this writ petition before this Court from the year 2011. No costs.

**20.04.2023**

NCC : Yes / No.  
Index : Yes / No.  
Internet : Yes / No.  
vrn

To

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**B.PUGALENDHI, J.**

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**Order made in**  
**W.P(MD)No.4099 of 2011**

**20.04.2023**