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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.8239 of 2023

M.Kottaisamy

... Petitioner

vs.

1.The District Collector, Sivagangai.

2.The District Revenue Officer, Sivagangai.

3.The Revenue Divisional Officer, Sivagangai.

4.The Tahsildar,
Sivagangai Taluk, Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the fourth respondent in Mu.Mu.No.A3/4539/2022, dated 06.12.2022 and quash the same and consequently, to direct the respondents to issue patta to the petitioner for the lands in S.No.489/12 Vembathur Village, Sivagangai Taluk, Sivagangai District measuring 290 sq.meters.



For Petitioner :Mr.VR.Shanmuganathan
For Respondents :Mr.J.Ashok
Additional Government Pleader

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus questioning an order of the fourth respondent/Tahsildar, Sivagangai, dated 06.12.2022 in Mu.Mu.No.A3/4539/2022 and to direct the respondent to issue patta for the land in S.No.489/12 in Vembathur Village, Sivagangai Taluk and District measuring 290 sq.mtre.

2.Heard Mr.VR.Shanmuganathan, learned Counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader for the respondents.

3.In the affidavit filed in support of this Writ Petition, it had been stated that the lands were originally purchased by the father of the petitioner, Muniyandi Servai by a registered sale deed, dated 10.08.1964. The petitioner had succeeded his father in enjoying the lands. During Natham settlement, the revenue authorities have entered the records as



“Natham-Kalimanai”. Questioning this, the petitioner had given a representation to the Tahsildar, who had passed the impugned order, wherein, he had rejected the claim of the petitioner herein.

4.The learned Additional Government Pleader stated that another individual, Rajendran, who presumably is a cousin brother of the petitioner had also suffered such an order and consequent to a direction, an enquiry is now pending before the Revenue Divisional Officer. Even in the impugned order, the petitioner had been directed to file necessary appeal before the Revenue Divisional Officer.

5.It is also stated by the learned Additional Government Pleader that enquiry with respect to Rejandran is ongoing.

6.The petitioner may therefore file an appeal before the third respondent/Revenue Divisional Officer, which appeal should be presented on or before 30.06.2023 and if it is so presented, then the issue of limitation need not be put against the petitioner herein. The third respondent may examine the records and give an opportunity of personal



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hearing to the petitioner and give a further opportunity to produce relevant documents and records by the petitioner and then pass necessary orders. The third respondent may endeavour to pass necessary orders on or before 30.09.2023.

7.The Writ Petition stands disposed of. No costs.

Index :Yes / No
Internet :Yes
NCC : Yes/No

13.06.2023

cmr

To

- 1.The District Collector, Sivagangai.
- 2.The District Revenue Officer, Sivagangai.
- 3.The Revenue Divisional Officer, Sivagangai.
- 4.The Tahsildar,
Sivagangai Taluk, Sivagangai District.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.8239 of 2023

13.06.2023