



W.P. (MD).No.19807 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.11.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.19807 of 2021

C.Kavitha

... Petitioner

Vs

1. The District Collector,
Office of the District Collector,
Pudukottai.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer, Pudukottai.
3. The Tahsildar,
Office of the Tahsildar, Pudukottai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 3rd respondent to issue a separate patta, survey No.448/1 of Perungalur Village, Pudukottai Taluk and District on the basis of the petitioner's representation, dated 23.09.2021 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr. Niranjana S. Kumar

For Respondents : Mr.A.K.Manikkam
Special Government Pleader



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ORDER

This writ petition has been filed for the issue of a writ of mandamus, directing the third respondent to issue a separate patta in the name of the petitioner, based on the representation made by the petitioner on 23.09.2021, within the time frame fixed by this Court.

2.The case of the petitioner is that her father-in-law had constructed a small house in the subject property and was residing for more than 50 years. The property was also assessed to property tax and electricity connection was also given for the property. This property was classified as a Government porambokku. In the meantime, there was a threat to the possession and enjoyment to the property. Hence, the father-in-law of the petitioner had filed a suit in O.S.No.201 of 2015 seeking for the relief of permanent injunction against the revenue officials and the suit was decreed ex-parte through Judgment and Decree, dated 20.06.2018. In the meantime, a representation was given by one Subramanian to the effect that there was an encroachment in the property and he sought for removal of encroachment. Since the same was not acted upon, he filed a writ petition before this Court in W.P(MD) No.



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13729 of 2019 and this writ petition was disposed of by order, dated 31.03.2021 by directing the Tahsildar, Block Development Officer, Pudukottai to carry out the eviction proceedings against the encroachers by following procedure, in accordance with law within a period of eight weeks. Pursuant to the same, eviction proceedings were also initiated. The petitioner along with others also filed a review petition in W.P(MD) No.13729 of 2019. When the same was pending, the petitioner had given a representation seeking for issuance of patta in her name, with respect to the subject property. Since the same was not considered, the present writ petition was filed before this Court.

3.It is brought to the notice of this Court that subsequent to the filing of this writ petition, the eviction notice that was issued by the Block Development Officer, Pudukkottai became the subject matter of challenge in W.P(MD) No.15908 of 2021 and that this writ petition was disposed on 16.12.2022 in the following terms:

“5.Considering the fact that the impugned eviction notice has been issued without issuing any show cause notice to the petitioner, we direct that the impugned eviction notice dated 31.08.2021 issued by the 2nd respondent shall be treated as show cause notice.



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6.At this juncture, it is reported that the petitioner died. Therefore, the legal heirs of the petitioner are permitted to make an objection / explanation to the show cause notice, dated 31.08.2021, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such explanation / objection, the 2nd respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law and if there is any encroachment in the place in question, the same would be removed, after affording sufficient opportunity to all the parties concerned and by following due process of law. It is needless to say that since the legal heirs of the petitioner are not impleaded in this Writ Petition, the 2nd respondent shall communicate this order to them”.

4.Pursuant to the above order, the representation/explanation seems to have been given before the concerned Authority and the same is pending. In this representation, the petitioner has also placed reliance upon G.O.Ms.No.329 dated 02.07.2020 through which, the petitioner is also seeking for assignment of the lands in her favour.

5.In the light of the above development, the relief as sought for in this writ petition cannot be considered by this Court. The petitioner has already given an explanation before the third respondent and the



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same is pending. It is left open to the third respondent to deal with the explanation given by the petitioner and take a final decision strictly in accordance with law, within a period of six weeks from the date of receipt of copy of this order. The third respondent shall also afford opportunity to the petitioner before passing final orders.

6.This writ petition is disposed of in the above terms. No costs.

15.11.2023

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

To

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2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer, Pudukottai.
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N.ANAND VENKATESH, J.

PNM

**ORDER IN
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