



WP (MD) No. 8176 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.8176 of 2017
and
WMP(MD)No.6298 of 2017**

M.Paramasivam

... Petitioner

Vs

- 1.The Revenue Divisional Officer,
Revenue Divisional Office,
Sathoor Taluk,
Virudhunagar District.
- 2.The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.
- 3.The Village Administrative Officer,
Solaiseri Village,
Rajapalayam Taluk,
Virudhunagar District.
- 4.Ramasamy Asari
- 5.Poongavana Asari

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the 1st and 2nd respondents to give



WP (MD) No. 8176 of 2017

personal enquiry to the petitioner, to pass orders upon the objection given by the petitioner on 15.04.2017 and grant patta to the petitioner's property in Old.Survey No.415/1 and New Survey No.423/22 to an extent of 112 ½ Sq.Ft at Solaiseri Village, Rajapalayam Taluk, Virudhunagar District by considering the application made by the petitioner to the 1st, 2nd and 3rd respondents on 06.12.2016 and 15.04.2017 within a stipulated time.

For petitioner : Ms.F.Deepa

For Respondent : Mr.M.Sarangan,
Nos.1 to 3 Additional Government Pleader

For Respondent : Mr.R.Karunanithi
No.4

ORDER

The petitioner and the respondent 4 are the adjacent land owners. The 4th respondent has submitted an application to conduct a survey, wherein the petitioner has raised objections and also submitted a representation for issuance of patta for his land and filed this writ petition for a mandamus directing the respondents to conduct a personal enquiry and pass orders on his objections dated 15.04.2017 and to grant patta to the petitioner for his lands.



WP (MD) No. 8176 of 2017

2. When this writ petition has been taken up for hearing the learned Counsel for the petitioner submits pending the writ petition the petitioner died on 19.07.2022 and he has to file necessary application to implead the legal heirs.

3. The learned Additional Government Pleader appearing for the official respondents confirmed that pending the writ petition, the petitioner died. He also submits that the Tahsildar has already conducted enquiry and submitted his report before the Revenue Divisional Officer and the RDO has to take a decision based on the recommendation of the Tahsildar.

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

5. The petitioner has submitted an application for survey and grant of patta and filed this writ petition in the year 2017. Pending this writ petition the petitioner has passed away. It is reported that already the Tahsildar has conducted enquiry and submitted his report before the RDO. Therefore, this writ petition is disposed of with liberty to the legal heirs of the petitioner to approach the RDO concerned / the 1st respondent within a period of four weeks from the date of



WP (MD) No. 8176 of 2017

receipt of a copy of this order and in such an event, the 1st respondent shall take a decision based on the recommendation of the Tahsildar, within a period of twelve weeks therefrom. No costs. Consequently connected miscellaneous petition is closed.

03.10.2023

Internet : Yes / No

Index : Yes / No

NCC : Yes / No

dsk

To

1. The Revenue Divisional Officer,
Revenue Divisional Office,
Sathoor Taluk,
Virudhunagar District.
2. The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.
3. The Village Administrative Officer,
Solaiseri Village,
Rajapalayam Taluk,
Virudhunagar District.



WEB COPY



WP (MD) No.8176 of 2017

B.PUGALENDHI, J.

dsk

WP(MD)No.8176 of 2017

03.10.2023