



W.P.(MD)No.22477 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD)No.22477 of 2021**

Subramaniam

... Petitioner

VS.

- 1.The District Collector,  
Virudhunagar District,  
Virudhunagar.
- 2.The District Revenue Officer,  
Virudhunagar District,  
Virudhunagar.
- 3.The Revenue Divisional Officer,  
Sattur, Virudhunagar District.



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4.The Tahsildar,  
Rajapalayam Taluk,  
Virudhunagar District.

5.Petchimuthu

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 4<sup>th</sup> respondent to consider and dispose the petitioner's application/representation, dated 19.01.2021, to issue Patta in respect of the property situated in Survey No.217/2A, Samanthapuram Village, Rajapalayam Taluk, Virudhunagar District, within the stipulated period.

|                |                                        |
|----------------|----------------------------------------|
| For Petitioner | : Mr.M.Jothi Basu                      |
| For R1 to 4    | : Mr.C.Baskaran<br>Government Advocate |
| For R5         | : Mr.A.Balaji                          |

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## **ORDER**

This writ petition is filed for Writ of Mandamus, to direct the 4<sup>th</sup> respondent to consider and dispose the petitioner's application / representation, dated 19.01.2021 and to issue Patta in respect of the property situated in Survey No.217/2A, Samanthapuram Village, Rajapalayam Taluk, Virudhunagar District, within the stipulated period.

2. When the writ petition was pending before this Court, the Tahsildar has considered the petitioner's case and rejected the same. Thereafter, the petitioner has preferred an appeal on 18.01.2022, before the 3<sup>rd</sup> respondent.



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3. The contention of the 4<sup>th</sup> respondent is that he is the owner of the said land and he owns the land through sale deed and the patta is changed in his name on 11.11.2011, itself. Therefore, the 4<sup>th</sup> respondent submitted that the claim of the petitioner ought to be rejected.

4. This Court is of the considered opinion that when the petitioner has filed an appeal before the RDO, the RDO shall consider the same and pass orders. Therefore, the RDO is directed to consider the petitioner's appeal by issuing notice to the petitioner as well as the 5<sup>th</sup> respondent. This Court is strictly directing the RDO to issue notice to the 5<sup>th</sup> respondent as well, since he is holding patta as on date, otherwise the order of RDO would hit the principles of natural justice. After conducting enquiry and granting personal hearing to the parties, the RDO



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shall pass speaking order. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5. With the above said observation, the writ petition is disposed of.

No costs.

Index : Yes / No

**26.07.2023**

Internet : Yes

NCC : Yes / No

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- 4.The Tahsildar,  
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**S.SRIMATHY, J**

Tmg

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