



W.P(MD)No.27635 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27635 of 2023

Pandiarajan

... Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Madurai East Taluk,
Madurai District.

3.The Tahsildar,
Madurai East Taluk,
Madurai District.

4.The Sub Registrar,
Theppakulam Registration Office,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 29.09.2023 passed by



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the third respondent vide proceedings Na.Ka.No.1388/2023/C2 and quash the same as illegal and consequently direct the respondents 1 to 3 herein to issue patta in the petitioner name for the land comprised in Re-Sur.No.2, New Sur.No.2/1, admeasures to an extent of 1350 sq. ft. situated at Plot No.1436, Door No.1/243, Rani Mangammal Colony, Pottapanaiyur Village, Madurai North Madurai District within a time stipulated in accordance with law.

For Petitioner : Mr.C.Senthil Murugan

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard both sides.

2. The petitioner had purchased the petition mentioned property in the year 2011. He approached the third respondent for issuance of rough patta. The petitioner's request was rejected on the ground that no house has been constructed in the petition mentioned site. Rejection order dated 29.09.2023 has been put to challenge in the writ petition.



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3. The materials on record clearly indicate that the house is very much standing in the petition mentioned site. The site was assigned way back in the year 1971 in favour of one Mohana. After getting the permission from the Revenue Divisional Officer, the assigned property was sold. The petitioner is the third purchaser. Purchase took place in the year 2011. Copy of the sale deed has been enclosed in the typed set of papers. It is seen therefrom that the property comprised not only land but also building. The building has been described as aged 22 years. When stamp duty has been paid for land and building, I fail to understand as to how the third respondent had made an observation that there is nothing on record to show that there is no building in the petition mentioned site. The impugned order has not taken into account the relevant aspects. It appears that even without any field enquiry, the order was passed. It is set aside. The third respondent is directed to issue patta to the petitioner as sought for. This shall be done immediately and without any delay.



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4. This writ petition is allowed accordingly. There shall be no order as to costs.

22.11.2023

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

To

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G.R.SWAMINATHAN, J.

MGA

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