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W.P.No.1479 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2024

CORAM:

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.1479 of 2024

M.Saravanan

...Petitioner

Vs

1. The District Collector,
District Collector Office
Ariyalur District.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Udayarpalayam,
Ariyalur District.
3. The Special Tahsildar,
Harijan Welfare Department,
Tahsildar Office,
Udayarpalayam Taluk,
Ariyalur District.
4. The Revenue Tahsildar,
Tahsildar Office,
Udayarpalayam Taluk,
Ariyalur District.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the respondents to consider the petitioner's representation dated 01.09.2023 and re-issue the patta for the land comprising Survey No.16/13 measuring to an extent of



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12 acres situated in Periyapalayam village, Udayarpalayam Taluk, Ariyalur District.

For petitioner : Mr.K.Kathiresan
For respondents : Mr.R.Vigneshwaran
Government Advocate

ORDER

This writ petition is filed seeking for a mandamus to consider the petitioner's representation dated 01.09.2023 for re-issue of patta in respect of 12 acres of land situated in Periyapalayam village, Udayarpalayam Taluk, Ariyalur District.

2. It is submitted by the learned counsel for the petitioner that originally the petitioner's father by name Murugesan is the patta holder in respect of 12 acres of land in survey No.16/13 situated in Periyapalayam village, Udayarpalayam Taluk, Ariyalur District, *vide* patta No.372. On 17.01.2006 the said land was acquired by the third respondent *vide* order in Na.Ka.A/491/05. Aggrieved by the same the petitioner's father Murugesan has filed a writ petition in W.P.No.131111 of 2009 before this Court and the same was disposed of by an order dated 14.03.2022 setting



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aside the acquisition proceedings of the third respondent dated 17.01.2006. In the mean while the petitioner's father died on 12.04.2011.

On 26.04.2022 the petitioner made an application to the third respondent by enclosing a copy of the order dated 14.03.2022 along with the death certificate of his father and legal heir certificate to re-issue patta for the said land. The petitioner was directed to attend the enquiry by a letter dated 14.09.2022 and he attended the enquiry and submitted all the relevant documents. However, subsequently there was no progress in the enquiry and patta was also not granted and hence, sought for a suitable direction.

3. The learned Additional Government Pleader who has taken notice for all the respondents and submitted that the enquiry has already been initiated and is pending and within a short time frame the proceedings would be concluded.

4. Heard both sides and perused the materials available on record.



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5. It is clear that the petitioner's father is the original patta holder in respect of 12 acres of land in survey No.16/13 situated in Periyapalayam village, Udayarpalayam Taluk, Ariyalur District, *vide* patta No.372. The petitioner claims to be the legal heir of the deceased patta holder and the land acquired by the third respondent was already set aside by way of an order dated 14.03.2022 in W.P.No.13111 of 2009. As no appeal is stated to have been preferred, the representation of the petitioner dated 01.09.2023 to re-issue patta should be considered. It is also seen from the records that proceedings have been initiated basing on the representation of the petitioner and enquiry was also conducted, if at all, enquiry has already been completed, the respondents shall pass speaking orders to re-issue patta in favour of the legal representative of the deceased of the patta holder.

6. Considering the limited scope of relief sought for by the petitioner and also the submission of the learned Additional Government Pleader, this writ petition is disposed of directing the respondents to complete the enquiry, if already not done, based on the petitioner's representation dated 01.09.2023 and re-issue patta as quickly as possible, at a rate not later than six weeks from the date of receipt of a copy of this



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order. No costs.

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Internet : Yes/No
Index : Yes/No
Citation : Yes/No

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Dr.D.NAGARJUN.J,



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