



W.P.(MD).No.1649 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.1649 of 2024

Rajaiah

... Petitioner

vs.

1.The District Collector,
Theni District,
Theni.

2.The Tahsildar,
Uthamapalayam Taluk,
Uthamapalayam,
Theni District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the second respondent to dispose the petitioner's petition, dated 06.12.2021, pending before the second respondent and to issue a rectified patta in favour of the petitioner's father property situated in Survey No.436/1B to an extent of 0.56.0 Ares in Pottipuram Village, Uthamapalayam Taluk, Theni District, within the time frame that may be stipulated by this Court.

For Petitioner : Mr.K.Guhan
For Respondents : Mr.A.Kannan,
Additional Government Pleader



W.P.(MD).No.1649 of 2024

WEB COPY

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the second respondent to dispose of the petitioner's application, dated 06.12.2021, pending before the second respondent and to issue a rectified patta in favour of the petitioner in respect of the property in Survey No.436/1B measuring to an extent of 0.56.0 Ares situated at Pottipuram Village, Uthamapalayam Taluk, Theni District, within a stipulated period.

2. The case of the petitioner is that in a family partition, the petitioner's father was allotted with 0.56.0 Ares of land situated at Pottipuram Village, Uthamapalayam Taluk, Theni District. However, the second respondent granted patta only to an extent of 0.46.0 ares and 10 ares of land has not been included in the patta. Hence, the petitioner made an application before the second respondent on 06.12.2021 to issue a rectified patta.



W.P.(MD).No.1649 of 2024

WEB COPY

3. The further case of the petitioner is that the petitioner has also filed a civil suit in O.S.No.143 of 2023 before the District Munsif Court, Uthamapalaym and the same is pending. Since the second respondent has not issued rectified patta, the petitioner has made a representation before the second respondent on 14.02.2022 requesting to dispose of his application, dated 06.12.2021. Even thereafter, no steps have been taken by the second respondent in the petitioner's representation. Hence, the petitioner has filed this writ petition with the aforesaid prayer.

4. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the respondents.

5. Considering the above facts, this Court, without expressing any opinion on the merits of the matter, directs the second respondent to consider the petitioner's application, dated 06.12.2021, based on the representation, dated 14.02.2022 and pass appropriate orders, after providing opportunity to all the parties concerned, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



W.P.(MD).No.1649 of 2024

6. With the above direction, this Writ Petition is disposed of.

No costs.

30.01.2024

Index:Yes/No

NCC:Yes/No

PM

To

1.The District Collector,
Theni District,
Theni.

2.The Tahsildar,
Uthamapalayam Taluk,
Uthamapalayam,
Theni District.



WEB COPY



W.P.(MD).No.1649 of 2024

V.BHAVANI SUBBAROYAN,J.

PM

W.P.(MD)No.1649 of 2024

30.01.2024