



W.P.(MD) No.2067 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.2067 of 2024

Alphonse John Leon

.. Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.
- 3.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.
- 4.The Tahsildar,
Radhapuram Taluk,
Radhapuram, Tirunelveli District.
- 5.The Commissioner,
Radhapuram Panchayat Union,
Radhapuram, Tirunelveli District.
- 6.The Block Development Officer,
Radhapuram Panchayat Union,



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Radhapuram,
Tirunelveli District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 1 to 4 to pass suitable orders so as to issue a separate patta in favour of the petitioner pertaining to the Punja lands to an extent of about 2 Acres 5 Cents (0.83.0 Hectares) comprised in Survey No. 529/1A, Vijayapathy Village, Radhapuram Taluk and Tirunelveli District, after effecting necessary and proper corrections in thereby considering the representation of the petitioner dated 12.12.2023, within a time frame as may be fixed by this Court.

For Petitioner : Mr.G.Aravinthan

For R1 to R4 & R6: Mr.D.S.Nedunchezhiyan
Government Advocate

For R5 : No appearance

ORDER

The petitioner has filed this writ petition for a mandamus to respondents 1 to 4 to pass suitable orders so as to issue a separate patta in his favour pertaining to the Punja lands to an extent of about 2 Acres 5 Cents (0.83.0 Hectares) comprised in Survey No.529/1A, Vijayapathy Village, Radhapuram Taluk, Tirunelveli District, after effecting necessary



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and proper corrections, thereby considering the representation of the petitioner dated 12.12.2023.

2. The case of the petitioner is that the land measuring an extent of about 2 Acres 23 Cents comprised in S.No.529/1, Vijayapathi Village, Nanguneri Taluk (now Radhapuram Taluk), Tirunelveli District, was originally purchased by his father Santa Cruz Fernand, who purchased the same *vide* a registered sale deed dated 08.11.1927. It is submitted that during the year 1970, for the formation of Idindakarai – Vairavi Kinaru – Koodankulam Road, the petitioner's father permitted respondents 5 and 6 to utilise his land to an extent of about 18 cents without insisting any compensation. Thereafter, *vide* a registered Will dated 23.03.1973, the property has been conveyed to the petitioner by his father. In the year 1981, the petitioner's father expired and since he was staying abroad, he failed to make proper mutation of the revenue records pertaining to his lands. Recently when the petitioner verified the Government records in respect of the lands comprised in S.No.529/1A, he found that in patta in Patta No.569 was mutated in the name of the



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Commissioner, Radhapuram Panchayat Union has been entered. The petitioner was later intimated about the same. Therefore, the petitioner sent representations dated 01.06.2021, 21.06.2022, 05.11.2020 and 12.12.2022 to respondents 1 to 5 seeking to issue separate patta in respect of S.No.529/1A in his name. It is submitted that based on the petitioner's request, the fourth respondent directed the Village Administrative Officer, Vijayapathi to enquire into the issue and submit a report, who in turn has also considered the petitioner's request and submitted a report dated 17.02.2022 before the third respondent stating that the lands belong to the petitioner. After receiving the report, the third respondent has sought certain clarifications from the fourth respondent and returned the report submitted by the Village Administrative Officer, Vijayapathi.

3. The petitioner would contend that though the fourth respondent has received the report of the Village Administrative Officer, he has not resubmitted the report after rectifying the clarification sought by the third respondent. Therefore, the present writ petition.



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4. Heard the learned counsel for the petitioner and the learned Government Advocate for respondents 1 to 4 and 6. Though notice has been served on the fifth respondent and his name is printed in the cause list, none appears for the fifth respondent.

5. Considering the case of the petitioner and also the fact that the petitioner has been making his representations from 01.06.2021, this Writ Petition is allowed and a mandamus is issued to respondents 1 to 4 to pass orders on the petitioner's representation dated 12.12.2022 for issuance of patta within a period of eight weeks from the date of receipt of a copy of this order. No costs.

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

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To

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P.T.ASHA, J.

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