



WEB COPY



W.P.(MD)No.5441 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 02.08.2024

Pronounced on : 09.08.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5441 of 2023

Sundarapandian

... Petitioner

Vs.

1.The Director of Land Survey and Land Planning,
Directorate, Survey Illam, 3rd Floor,
Chepauk, Chennai 5.

2.The District Collector,
Thanjavur District,
Thanjavur.

3.The Revenue Divisional Officer,
Thanjavur District, Thanjavur.

4.The Tahsildar,
Thanjavur,
Thanjavur District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to issue patta in plot No.4, in Thanjavur Town in T.S.No.2851/3, Block-68, Ward No.6, from Little Flower Colony, by considering the petitioner's representation dated 29.07.2016 and 14.02.2023.



W.P(MD)No.5441 of 2023

For Petitioner : Mr.M.Karunanithi
For Respondents : Mr.G.V.Vairam Santhosh,
Add. Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.

2.According to the petitioner, his grandfather/Thomas Udayar purchased the petition mentioned property vide sale deed dated 16.04.1949 (Document No.1139/1949) from Little Flower Colony Co-operative Building Society Limited, Thanjavur. He executed Will dated 01.10.1993 in favour of the petitioner's father. The petitioner's father executed settlement deed dated 16.08.2011 (Document No.4657/2011) in favour of the petitioner. The petitioner asserts that ever since 1949, the property has been in possession of his family. The petitioner submitted representation to the first respondent as well as the second respondent for issuance of patta. The petitioner would further point out that in the case of two similarly placed individuals, the first respondent had already passed an order for issuing of patta. But then, it was *suo motu* cancelled by the Commissioner of Land Administration on 04.05.2021. The learned counsel for the petitioner would point out that this order was passed on a *suo motu* basis and without notice to the concerned



W.P(MD)No.5441 of 2023

parties and that therefore, that would not bind the petitioner. I consciously refrain from going into the merits of the matter. It is seen that the representation given by the petitioner before the District Collector, Thanjavur was forwarded to the Revenue Divisional Officer, Thanjavur for taking further action. Copy of the letter bearing Na.Ka.30246/2016/H-1, dated 16.08.2016 has been enclosed in the typed set of papers. The third respondent is therefore directed to enquire into the petitioner's application for issuance of patta and pass an appropriate order on merits within a period of two months from the date of receipt of a copy of this order.

3.The writ petition is disposed of accordingly. No costs.

09.08.2024

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

To:

- 1.The Director of Land Survey and Land Planning,
Directorate, Survey Illam, 3rd Floor,
Chepauk, Chennai 5.
- 2.The District Collector,
Thanjavur District,
Thanjavur.



WEB COPY



W.P(MD)No.5441 of 2023

G.R.SWAMINATHAN, J.

ias

3.The Revenue Divisional Officer,
Thanjavur District, Thanjavur.

4.The Tahsildar,
Thanjavur,
Thanjavur District.

Pre-Delivery Order in
W.P.(MD)No.5441 of 2023

09.08.2024