



W.P(MD)No.4631 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4631 of 2024

Mahesh B Shah

... Petitioner

Vs.

1.The Revenue Divisional Officer (RDO),
Sivagangai,
Sivagangai District.

2.The Tahsildar,
Sivagangai, Aranmanai Vaasal,
Sivagangai,
Tamil Nadu 630 561.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to demarcate and issue patta in favour of the petitioner for the lands measuring 0.81.00 Ares in R.S.No. 311 and 0.19.00 Ares in S.No. 299, totalling one Acre, located in Chembanur Village, Sivagangai Taluk, Sivagangai District as held by the Sub Court, Sivagangai in judgment and decree dated 28.09.2018 in O.S.No. 53 of 2018.

For Petitioner : Ms.R.Gayathri
for Mr.GR.Balakumar

For Respondents : Mr.M.Lingadurai
Special Government Pleader for R1 & R2



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ORDER

Heard both sides.

2. The petitioner seeks issuance of patta in respect of the petition mentioned land. It appears that the petitioner has given a representation in this regard before the first respondent. The first respondent was directed to issue notice to the incumbent pattadhar. It appears that the incumbent pattadhar is one M/s.Bio Fuels Private Limited.

3. The learned counsel for the petitioner draws my attention to the decree dated 28.09.2018 in O.S.No.53 of 2018 on the file of the Sub Court, Sivagangai. It is the suit for declaration and recovery of possession. It is stated that the petitioner has subsequently filed execution petition and has already taken possession. These are factual aspects and the first respondent should be satisfied about the same. The first respondent shall give opportunity for personal hearing to the incumbent pattadhar. The learned counsel for the petitioner submitted that enquiry had already been conducted. It is stated that if due opportunity was already given to the person in whose name patta is presently standing. The first respondent will go by the decree that has been



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passed by the civil Court. Passing of a final order shall not be unnecessarily delayed. The first respondent is directed to pass a final order on the petitioner's application for issuance of patta within a period of six weeks from the date of receipt of a copy of this order. The order to be passed by the first respondent will have to be in consonance with the civil Court's decree. But then, it is an exparte decree and the first respondent must also be satisfied that it is still holding good. This finding can be arrived at only after putting an incumbent pattadhar on notice. The first respondent must satisfy himself based on the materials on record that such an opportunity was given. If such an opportunity was already given, the question of issuing fresh notice will not arise.

4. The Writ Petition is disposed of. No costs.

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Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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