



W.P.(MD) No.18978 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.18978 of 2024

S.A.N.Manokaran

... Petitioner

/vs./

1.The District Collector,
Madurai District,
Collectorate,
Madurai 625 002.

2.The Zonal Deputy Tahsildar,
Madurai South Taluk,
Collectorate Campus,
Madurai 625 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider and dispose of the petitioner's application dated 12.03.2024 and consequently to mutate the land to a total extent of 3.5 cents comprised in new natham survey no.169/14 and 169/15 of Silaiman village, Madurai South Taluk and to issue individual patta within a specific time frame fixed by this Court.



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For Petitioner : Mr.B.Rooban
For Respondents : Mr.Veerakathiravan AAG assisted by
Mr.B.Saravanan
Additional Government Pleader

ORDER

The above writ petition has been filed for the issue of a Writ of Mandamus, directing the respondents to consider and dispose of the petitioner's application dated 12.03.2024 and to issue individual patta in respect of the land in S.Nos. 169/14 and 169/15 at Silaiman village, Madurai South Taluk.

2. When the matter had come up on 07.08.2024, Mr.B.Saravanan, learned Additional Government Pleader had produced a communication stating that the petitioner's request has already been rejected on the ground that the documents of title have not been produced. Therefore, this Court under Article 226 of the Constitution of India has *suo motu* taken the impugned order on file, had set aside the same, directed the respondents to consider the request of the petitioner afresh after affording him an opportunity to put forth his case and pass a reasoned and speaking order and report compliance to this Court on 20.08.2024. An affidavit was also directed to be filed by the Deputy Tahsildar, Madurai South putting on record the fact that their Office has discontinued the earlier filing system.



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3. In compliance of the said order, an affidavit was filed on 20.08.2024, where it was stated that under the new online system, 43 reasons have been provided for. This clearly shows that the Revenue Authorities had done away with passing a speaking order. As this would have serious ramification in cases of matters having civil consequences, this Court had directed the learned Additional Advocate General to make his submissions. In the counter, it was also stated as follows:-

"9. I respectfully submit that the enquiry is concerned, we have informed to the petitioner through cell phone as well as Village Assistant for an enquiry. He was appeared an enquiry dated 15.08.2024 and submits his explanation by writing along with relevant documents. Further we have also informed to the rival party through Cell Phone, he is residing at Chennai and he was requested that he will not appear an enquiry due to his personnel inconvenience instead of his relative appear on 19.08.2024 and submitted his explanation along with document. After completing the enquiry, we have found that the error



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4. The learned Additional Advocate General also informed the Court that necessary steps are being taken to change the system of passing cryptic online orders on an application relating to patta, survey etc. In the light of there being an UDR error, the petitioner has to make his application to the District Revenue Officer concerned, who is the competent authority.

5. Therefore, the Writ Petition stands disposed of directing the District Revenue Officer concerned to rectify the mistake after receiving the report from the Revenue Divisional Officer. The said exercise shall be completed within a period of 3 months from the date of receipt of a copy of this order. Till the software is changed, the authority shall revert to the old method of passing a detailed written speaking orders.



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No costs.

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

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To

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P.T.ASHA, J.

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