



W.P.(MD) No.21065 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.21065 of 2024

M.Gurusamy

.. Petitioner

Vs.

- 1.The District Collector,
O/o. The District Collector,
Dindigul, Dindigul District.
- 2.The Tahsildar,
Natham Taluk Office,
Natham, Dindigul District.
- 3.The Village Administrative Officer,
O/o. The Village Administrative Officer,
Idayapatti,
Chellappanaickanpatti Village,
Natham Taluk, Dindigul District.

4.Azhagar

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondent No.1 to issue Patta in favour of the petitioner for the property situated in Survey No.124 with extent about 8 cents in Idayapatti Village, Natham



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Taluk, Dindigul District by considering the petitioner's representation dated 18.06.2024.

For Petitioner : Mr.A.Abdulkabur
For RR1 to 3 : Mr.D.S.Nedunchezian
Government Advocate

ORDER

Since his representation dated 18.06.2024 for issue of patta in his favour in respect of S.No.124, measuring an extent of 8 cents in Idayapatti Village, Natham Taluk, Dindigul District, has not been considered by the first respondent, the petitioner has filed this Writ Petition invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

2. It is his contention that the property in question was purchased by his father Muthaiya Pillai under a registered sale deed dated 21.08.1952 and in the said survey number, a thatched house is situated and right from the date of purchase, they have been residing in the same. It is his further contention that the fourth respondent, who had properties



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adjacent to the petitioner's property, was frequently attempting to encroach in to the petitioner's property. The petitioner has therefore, lodged a complaint with the Inspector of Police, Natham Police Station, Dindigul, since the fourth respondent had fought with him in the year 2012 in respect of this encroachment. It appears that the fourth respondent had attempted to obtain a patta in his name, which was opposed by the petitioner. The petitioner had submitted a representation on 11.06.2013 to the second respondent, which was forwarded to the third respondent on 13.12.2013. However, no action was taken and the petitioner was constrained to file a detailed representation on 18.06.2024, which also has not evoked the desired result. Therefore, the present writ petition.

3. Heard the learned counsel on either side.

4. Taking note of the fact that the petitioner has, as early as in the year 2013, given a representation to the second respondent to issue patta in his name, objected to the grant of patta to the third parties in respect of



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the above property without notice to the petitioner and the Tahsildar, that is, the second respondent had also informed the Village Administrative Officer that the petitioner's objection has to be considered before issue of any patta in favour of third parties, it is crystal clear that there has been dispute.

5. In the light of the above, this Writ Petition is allowed, a direction is issued to the first respondent to consider the petitioner's objection and pass orders before 30.09.2024. No costs.

6. Post this matter 'for reporting compliance' on 30.09.2024.

05.09.2024

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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