



W.P.(MD) No.24824 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.24824 of 2018

V.Alagarsamy

... Petitioner

Vs.

1.The District Collector,
District Collector Office,
Sivagangai District.

2.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

3.The Tahsilar,
Ilayankudi Taluk,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 04.05.2018 to issue Patta.

For Petitioner : Mr.G.D.Manikandan
for Mr.N.Thamimul Ansari

For Respondents : Mr.S.P.Maharajan
Special Government Pleader



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ORDER

WEB COPY This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 04.05.2018 to issue Patta.

2. The learned Special Government Pleader for the respondents submitted that the land in question has been classified as "Sarkar Kaali Manai" and as such, question of granting Patta does not arise.

3. The third respondent has filed a counter affidavit, dated 18.03.2019, wherein at Paragraphs 3 to 5, it has been stated as follows:-

"3. I submit that the R.D.O. is the concerned authority to sanction patta to the land classified as Natham Sarkar Manai. There are enormous of appeal petitions filing before the RDO claiming such patta. The RDO, Sivaganga is ordering those appeal petitions as per seniority. It will take some standard time. It came to know that the petitioner Thiru. Vattarakkan was expired. On this occasion the Writ Petitioner Thiru. Alagar samy is filing this Writ Petition.

4. I submit that the Petitioner is not submitting any valid document like Register document and others. He only had the SLR record.

5. I submit that at the preliminary enquiry conducted by Kalangathankottai Village Administrative Officer, reveals that the above said land is used as pathway by land holders in Survey



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Number 117/34, 117/12. However we ought to have made further detailed enquiry in this regard. The report would be submitted and then orders would be passed by the RDO, Sivaganga."

4. The third respondent has stated that the petitioner has not submitted any document other than the S.L.R. Record to claim a right for Patta over the land. Paragraph No.5 of the counter affidavit further indicates that the preliminary enquiry conducted by Kalangathankottai Village Administrative Officer reveals that the said land is used as pathway by the landholders in Survey Nos.117/34 and 117/12 and that further enquiry is underway. It further refers that report would be submitted and thereafter, orders can be passed by the Revenue Divisional Officer, Sivagangai.

5. The counter affidavit is dated 18.03.2019. Surely, by this time, the third respondent would have completed the enquiry. In case, the enquiry is not completed, the third respondent is directed to complete the enquiry and submit the report to the second respondent, within a period of six weeks from the date of receipt of a copy of this order. Based on the report, which has been either issued earlier or is to be later as ordered



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above, the second respondent is directed to pass suitable orders,
considering the petitioner's representation for issuance of Patta.

6. This Writ Petition stands disposed of with the above direction.

No costs.

04.04.2024

Index : Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
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To

- 1.The District Collector,
District Collector Office,
Sivagangai District.
- 2.The Revenue Divisional Officer,
Sivagangai,
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- 3.The Tahsilar,
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C.SARAVANAN, J.

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