



W.P.(MD)No.28902 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.12.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE N.MALA**

W.P.(MD)No.28902 of 2024

A.Manoharan

... Petitioner

/Vs./

1.The District Collector,
Theni District.

2.The District Revenue Officer,
District Collector Office,
Theni District.

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

4.Tahsildar,
Theni District,Theni.

5.Malaisamy

... Respondentd

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of mandamus directing the second respondent to consider the representation of the petitioner dated 26.10.2024 and rectify the Patta No.3221 in S.No.239 standing in the name of the fifth respondent including the common canal and cart track and restrict the same to extent of 0.44.0 ares and grant a separate joint patta to the rest of the extent 0.11.00 in S.No.239 in the name of the petitioner and other land owners having right over it.



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For Petitioner : Mr.A.V.Arun
For R1 to R4 : Mr.A.Kannan
Additional Government Pleader
ORDER

This Writ Petition is filed for issuance of Writ of Mandamus directing the second respondent to consider the representation of the petitioner dated 26.10.2024 and rectify the Patta No.3221 in S.No.239 issued to the fifth respondent by excluding the common canal and cart track and restrict the same to extent of 0.44.0 ares and grant a separate joint patta to the rest of the extent 0.11.00 in S.No.239 in the name of the petitioner and other land owners having right over it.

2. The petitioner filed an application to the respondents 1 to 4 to rectify the anomalies crept in, in the patta granted to the fifth respondent and to grant patta according to the extent mentioned in the sale deed of the petitioner. The petitioner's family purchased the subject property in S.No.239 along with common canal and cart track in Poomalikundu Village under a registered sale deed of the year 1960. While so, the fifth respondent was issued patta for larger extent than he was entitled under his sale deed. Patta was issued to the fifth respondent including portion



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of common canal and cart track. The fifth respondent using the patta issued in his name refused access to the petitioner to use the common canal and cart track. The petitioner requested the respondents to rectify the patta No.3221, and to restrict the same to the extent purchased by the fifth respondent as per the sale deed. The petitioner further requested to grant joint patta for the common well and cart track to the petitioner and others. The petitioner thereafter submitted a representation on 26.10.2024, to the second respondent to rectify UDR entry in the patta issued to the fifth respondent and to grant joint patta for the remaining land in favour of the petitioner and others. As the representation was not considered, the petitioner filed the above Writ Petition for the aforesaid relief.

3. The learned counsel for the petitioner submits that a direction may be issued to the second respondent to consider the representation dated 26.10.2024, and pass orders on the same within, the time stipulated by this Court.



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4. It is seen that the petitioner gave the representation along with application for rectification of patta on the same day. Hence, I am of the view that mandamus prayed for cannot be issued as reasonable time has not been given to the respondents to consider the representation. In any event, the learned Additional Government Pleader submits that in pursuance of the petitioner's representation, notice dated 19.11.2024 for enquiry to be conducted on 12.12.2024, has been issued and therefore, the petitioner's representation has already been acted upon.

5. In the light of the above, I am of the view that this writ petition does not deserve merit. However, the above submission of the learned Additional Government Pleader is recorded and the writ petition is disposed. No costs.

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Index : Yes / No
NCC : Yes / No
CM



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N.MALA, J.

CM

Order made in
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Dated:

03.12.2024