

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.01.2025**

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P(MD)NO.187 OF 2025

R.Sakthivel

: Petitioner

.VS.

1.The District Revenue Officer,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Thirumangalam,
Madurai District.

3.The Tahsildar,
Kallikudi Taluk,
Madurai District.

:Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the third respondent to conclude the enquiry on the basis of the proceedings of the second respondent vide Mu.Mu.No.A3/2298/2023, dated 15.10.2024 and consequently to direct the first respondent to pass orders accordingly in the manner known to law within the time stipulated by this Court.

For Petitioner

:Mr.BabuRajendran

For Respondents
1 to 3

:Mr.A.Kannan
Additional Government Pleader



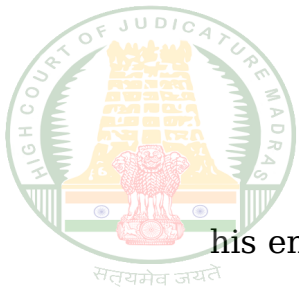
ORDER

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This Writ Petition is filed for a Writ of Mandamus directing the third respondent to conclude the enquiry on the basis of the proceedings of the second respondent vide Mu.Mu.No.A3/2298/2023, dated 15.10.2024 and consequently to direct the first respondent to pass orders accordingly in the manner known to law within the time stipulated by this Court.

2.Mr.A.Kannan, learned Additional Government Pleader takes notice for the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The subject property in R.S.No.227 to an extent of 2 acres and 68 cents situate at Kokkalanchery Village, Thirumangalam Taluk, Madurai, was purchased by the Petitioner's father under a registered sale deed, dated 9.3.1962. From the date of purchase, the Petitioner's father was in possession and enjoyment of the property and patta was also issued in the name of the Petitioner's father vide Patta No.968 to an extent of 1.17.50 hectare ie., 2 acre and 90 cents, since the Petitioner enjoyed additional 22 cents, apart from the extent mentioned in the sale deed. The Petitioner's father during his lifetime executed a registered Will in respect of



his entire properties in favour of the Petitioner and his brother on 7.6.2007. The petitioner's father died on 15.6.2007, and after his demise, the above said Will came into operation. The Petitioner and his brother were in joint enjoyment and possession of the property and joint patta was also issued in their name. On 7.5.2018, the Petitioner and his brother partitioned the properties including the above 2 acre and 90 cents, in which, northern 1.45 cents was allotted to the Petitioner. The petitioner was also issued with individual patta vide order of the Tahsildar, Thirumangalam, dated 7.7.2018. As the third respondent passed patta transfer order in the name of the Petitioner by including the name of three others without notice to him, the Petitioner preferred an appeal before the second respondent. The third respondent after due enquiry, recommended the second respondent to cancel the joint patta and to issue individual patta in the name of the Petitioner.

4. While so, to the Petitioner's shock and surprise, the second respondent assuming that that there was UDR dispute, directed the third respondent to refer the matter to the first respondent by order, dated 15.2.2024. As the first respondent, even after passage of 11 months did not pass any order, the above Writ Petition is filed for the aforesaid relief.



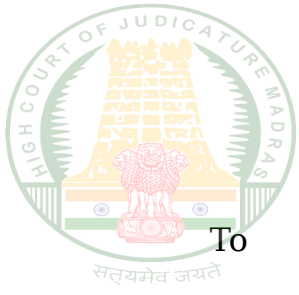
5.It is seen that the second respondent vide his letter, dated 15.2.2024, directed the third respondent to conduct an enquiry and send a report to the first respondent. It appears that the third respondent has not conducted the enquiry and filed his report. In spite of the second respondent's communication, dated 15.2.2024, the third respondent has not initiated any action and therefore, I am inclined to direct the third respondent to conduct an enquiry, conclude the proceedings and file a report to the first respondent within a period of six weeks from the date of receipt of a copy of this order and on receipt of the said report, the first respondent shall consider the same and pass final orders on merits and in accordance with law within a period of six weeks thereafter. The entire exercise shall be concluded within 12 weeks from the date of receipt of a copy of this order.

6.The Writ Petition is accordingly disposed of. No costs.

07.01.2025

NSC :Yes/No
Index:Yes/No
Internet:Yes/No

vsn



To

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N.MALA, J.

vsn

ORDER MADE IN
W.P(MD)NO.187 of 2025

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