

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.16269 of 2016

T.P.Palanisamy

... Petitioner

vs.

- 1.The District Collector,
District Collector Office,
Namakkal District.
- 2.The District Revenue Officer,
District Revenue Office,
Namakkal District.
- 3.The Revenue Divisional Officer,
Thiruchengode Taluk,
Namakkal District.
- 4.The Tahsildar,
Tahsildar Office,
Thiruchengode Taluk,
Namakkal District.

5.P.Dhamodharan

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents 2 to 4 herein to cancel the patta to such an extent that add the numerals of punjai acres 2.58 in patta bearing No.1800 which standing in the name of Mr.Palaniappan and his son Dhamodharan at Survey No.138/1A, Thokkavadi Village, Thiruchengode Taluk and subsequently, issue the patta, the remaining 37 cents of land belonged to the petitioner at Survey No.138/1A, Thokkavadi Village, Thiruchengode Taluk based on the petitioner's representation dated 11.04.2016.

For Petitioner : Mr.K.Gangadaran

For R1 to R4 : Mrs.P.Rajalakshmi, GA

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing respondents 2 to 4 to cancel the patta No.1800 standing in the name of one Palaniappan and his son Dhamodharan in respect of the land at Survey No.138/1A, Thokkavadi Village, Thiruchengode Taluk and subsequently to issue patta in respect of his remaining 37cents of land at Survey No.138/1A, Thokkavadi Village, Thiruchengode Taluk, based on his representation dated 11.04.2016.

2. The case of the petitioner, as averred in the writ petition is as follows:

2.1 Originally, the petitioner's grandfather and his brother had divided their inherited property by way of a partition deed, which was registered as Document No.2784/1958 dated 25.08.1958 on the file of the Sub Registrar, Thiruchengode and they had taken possession and enjoyed the same.

2.2 After the demise of his grandfather, the petitioner's father and his brother and sister had divided their inherited property by way of a registered partition deed bearing Document No.1183/1967 dated 04.05.1967 on the file of the Sub Registrar, Thiruchengode.

2.3 As per the said partition, the petitioner's father was acquired 3.50 acres of Punjai land in S.No.138/1A, Thokkavadi Village, Thiruchengode Taluk, Namakkal District, out of which, he has given one part of his land measuring to an extent of 0.50 acres to his brother by way of oral partition. Thereafter, his father along with his family members has been in possession and enjoyment of the remaining 3.00 acres of Punjai land.

2.4 While so, due to financial problem, the petitioner's father sold an extent of 2100 sq.ft. of land to one Ramasamy by way of a sale deed registered as Document No.335/1979 dated 21.02.1979 on the file of the Sub Registrar, Thiruchengode. Subsequently, his father again sold the property measuring to an extent of 2.58 acres to one Palaniappan S/o.Ramasamy Mudaliar and his son Dhamodharan by way of a sale deed registered as Document No.488/1983 dated 03.03.1983 on the file of the Sub Registrar, Thiruchengode.

2.5 Thereafter, the petitioner made an application for patta in respect of the remaining property, measuring to an extent of 0.37 acres in S.No.138/1A at Thokkavadi Village of Thiruchengode Taluk. At that time, he came to know that the

names of the said Palaniappan and his son Dhamodharan were included in the patta No.1800 dated 08.03.2013 issued by the fourth respondent by wrongly adding an extent of 0.6 acres along with 2.58 acres of land, instead of 2.58 acres. Hence, he made a representation dated 11.04.2016 to the third respondent, the copy of which is addressed to the respondents 1, 2 and 4, requesting to rectify the said mistake and issue patta in his favour. Though the said representation was received, till date, no order has been passed by the respondents 1 to 4. Therefore, the petitioner has filed the present petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Government Advocate, who took notice for the respondents 1 to 4.

4. Considering the limited nature of the relief sought for herein, this Court directs the fourth respondent to consider the representation of the petitioner dated 11.04.2016, by affording an opportunity of personal hearing to the petitioner as well as to the fifth respondent and all the necessary parties, if any and pass appropriate orders. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the fourth respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To

1.The District Collector,
District Collector Office,
Namakkal District.

2.The District Revenue Officer,
District Revenue Office,
Namakkal District.

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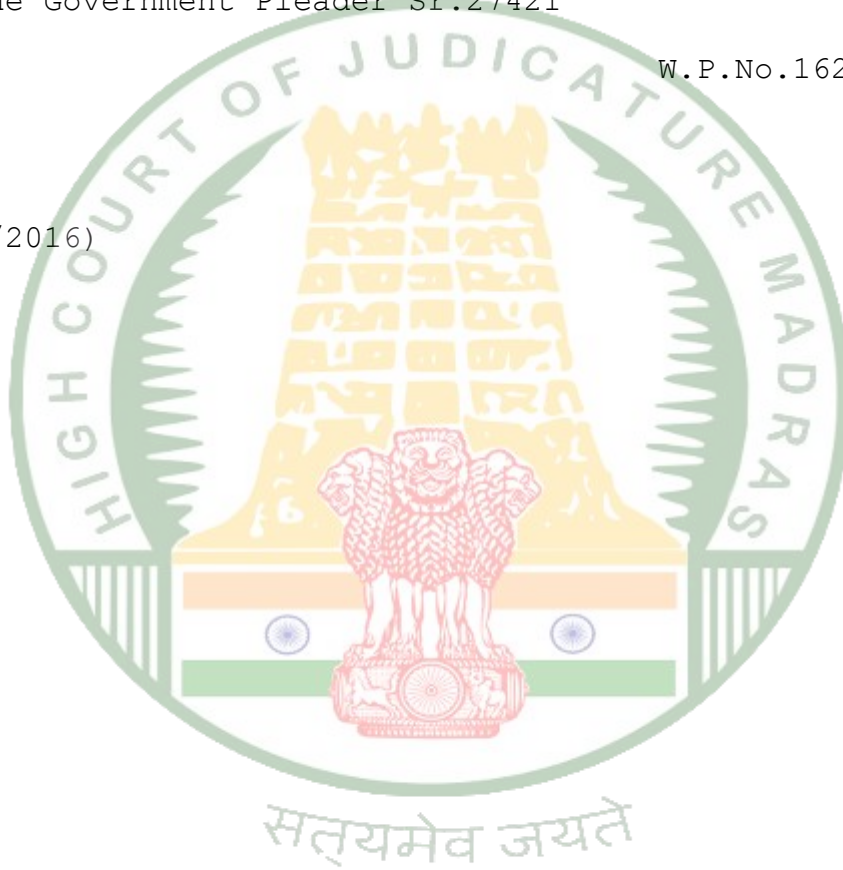
3.The Revenue Divisional Officer,
Thiruchengode Taluk,
Namakkal District.

4.The Tahsildar,
Tahsildar Office,
Thiruchengode Taluk,
Namakkal District.

+1cc to Mr.K.Gangadaran, Advocate sr.27002
+1cc to the Government Pleader Sr.27421

W.P.No.16269 of 2016

ks (CO)
srg(20/05/2016)



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