

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 07.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.18978/2016

1.P.Sivasubramaniam
2.P.Nachimuthu
3.Mayilathal
4.Veluthai
5.Saraswathi
6.Anandaraj

... Petitioners

Versus

1.The District Collector
Tiruppur District, Tiruppur.
2.The District Revenue Officer
Tiruppur District, Tiruppur.
3.The Revenue Divisional Officer
Udumalpet, Tiruppur District.
4.The Tahsildar
Madathukulam Taluk
Tiruppur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents herein to grant patta to the agricultural lands measuring 12.90 acres in SF No.397/2 situate at Karuppusampudur, Myvadi Village, Madathukkulam Taluk, Tiruppur District based on the judgment and decree 04.01.1967 passed in AS No.33/1965 on the file of the Sub-Court, Coimbatore within a stipulated period.

For Petitioners: Mr.K.Govi Ganesan
For Respondents: Mr.R.Govindasamy, Spl.GP

O R D E R

By consent, the writ petition is taken up for final disposal.

2 The petitioners, in the affidavit filed in support of this writ petition, would aver among other things, that originally the agricultural lands admeasuring to an extent of 12.90 acres in SF.No.397/2, Paimash No.66, situated at Karuppusampudur, Myvadi village, Madathukulam Taluk, Tiruppur District, belong to their ancestor, namely, Chellappa Gounder, who was in absolute possession and enjoyment of the same and after his demise, his two sons, viz., Kandasamy Gounder and Palanisamy Gounder, have succeeded to the estate on 04.05.1947 vide Registered Partition Deed bearing Document No.617/1947 and one portion of the lands had fallen to the share of the Kandasamy Gounder and ever since the partition, he was in possession and enjoyment of the said property. Later on, Kandasamy Gounder and his three sons, viz., Palani Gounder, Ramalinga Gounder and Maruthamuthu Gounder, partitioned the property among themselves through a Registered Partition Deed bearing Document No.11380/1951 dated 26.05.1951 and a portion of the properties were allotted in favour his three sons and after the demise of Palanisamy Gounder and Ramalinga Gounder, the petitioners 1 to 5 herein, as the legal heirs, have succeeded to the estate and the 6th petitioner herein also became the absolute owner of the share and all of them claim to be in possession and enjoyment of the property. The lands were subsequently subdivided as SF No.397/2 by the Revenue Authorities. The petitioners would further aver that since the Government authorities tried to interfere with their possession, they filed a suit in OS.No.64/1961 on the file of the Court of District Munsif, Udumalpet, for declaration and for other consequential reliefs and the suit was decreed on 26.11.1963 and the appeal preferred by the Government in AS.No.185/1964 on the file of the District Court, Coimbatore, also ended in dismissal on 04.01.1967 and no further challenge has been made to the said judgment. The grievance expressed by the petitioners is that in spite of the subsistence of the Civil Court decree, their application for grant of joint patta, has not been considered and therefore, the petitioners are constrained to approach this Court by filing the present writ petition.

3 Heard the learned counsel for the petitioners and Mr.R.Govindasamy, learned Special Government Pleader, who accepts notice on behalf of the respondents. He would submit that since there is a contemplation to acquire the lands, it may be the reason for not granting the patta.

4 The learned counsel for the petitioners, in response to the said submission, would submit that even for the sake of argument, if the lands are going to be acquired, as far as the payment of compensation is concerned, the Land Acquisition Authorities will got by the revenue records and for that purpose, the mutation in the form of joint patta is necessary

and prays for appropriate orders.

5 This Court considered the rival submissions.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the same, directs the 4th respondent to consider and dispose of the representation of the petitioners' dated 04.05.2015 for joint patta, on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7 The writ petition is disposed of with the above direction. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

AP

To

1.The District Collector
Tiruppur District, Tiruppur.

2.The District Revenue Officer
Tiruppur District, Tiruppur.

3.The Revenue Divisional Officer
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4.The Tahsildar
Madathukulam Taluk
Tiruppur District.

+1 cc to M/s.K.Govi Ganesan Advocate sr.30433
+1 cc to Government Pleader sr.30497

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