

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 8/3/2016

C O R A M

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.8479 of 2016

1. K.S.Pattabiraman
  2. K.P.Sujatha
- .... Petitioners

Vs

1. The Revenue Divisional Officer  
Salem Revenue Divisional Office  
Salem District.
  2. Jayamanohari
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the first respondent to issue the joint patta in the name of the petitioner and petitioner's wife namely K.P.Sujatha by removing the another joint patta holder namely T.Jayamanohari relating to plot measuring 1147 ½ in Survey No.146/4A situated in Pallapatti Village, Salem West Taluk and District, as per the petitioner's representation dated 29/1/2016.

For Petitioners ... Mr.M.Thamizhavel

For respondents ... Mr.S.Navaneethan  
Additional Government Pleader  
for R.1

O R D E R

With the consent of the learned counsel appearing on either side, this writ petition is taken up for final disposal, at the admission stage itself.

2. Heard Mr.M.Thamizhavel, learned counsel for the petitioners and Mr.S.Navaneethan, learned Additional Government Pleader for the first respondent.

3. This writ petition has been filed praying to direct the first respondent, to issue the joint patta in the name of the

petitioner and petitioner's wife, namely K.P.Sujatha, by removing the another joint patta holder, namely T.Jayamanohari, relating to plot measuring 1147 ½ in Survey No.146/4A, situated in Pallapatti Village, Salem West Taluk and District, as per the petitioner's representation, dated 29/1/2016.

4. The petitioner is the owner of the residential plot measuring 1147 ½ in Survey No.146/4A situated in Pallapatti Village, Salem West Taluk and District. The Deputy Tahsildar of Salem District, issued the joint patta, on 27/8/1992, in the name of the petitioner, his wife and and his sister. The joint owner/sister of the petitioner, viz., Jayamanohari, executed release deed, dated 18/11/1999, in favour of the petitioner and his wife, releasing her share in the aforestated property. The petitioner made a representation to the first respondent, on 5/2/2015, to issue a separate patta, by removing the name of the another patta holder, namely T.Jayamanohari.

5. Vide letter dated 30/12/2015, the first respondent directed the Tahsildar of Salem West to send the records relating to the aforestated property and the Tahsildar sent the same by letter, dated 8/1/2016. Thereafter, the petitioner had sent a representation dated 29/1/2016 for the issuance of joint patta. Since the respondent has not taken any steps to issue patta, the petitioner has come forward with the above writ petition, praying for the relief, as stated therein.

6. Without going into the merits of the claim of the petitioner, the first respondent is hereby directed, to consider the representation of the petitioner, dated 29/1/2016, and pass an appropriate order, on merits and in accordance with law, within a period of six weeks, from the date of receipt of a copy of this order, by affording an opportunity of personal hearing, to the petitioner as well as to the parties concerned. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petition.

7. With the above direction, this writ petition is disposed of. No costs.  
mvs.

s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

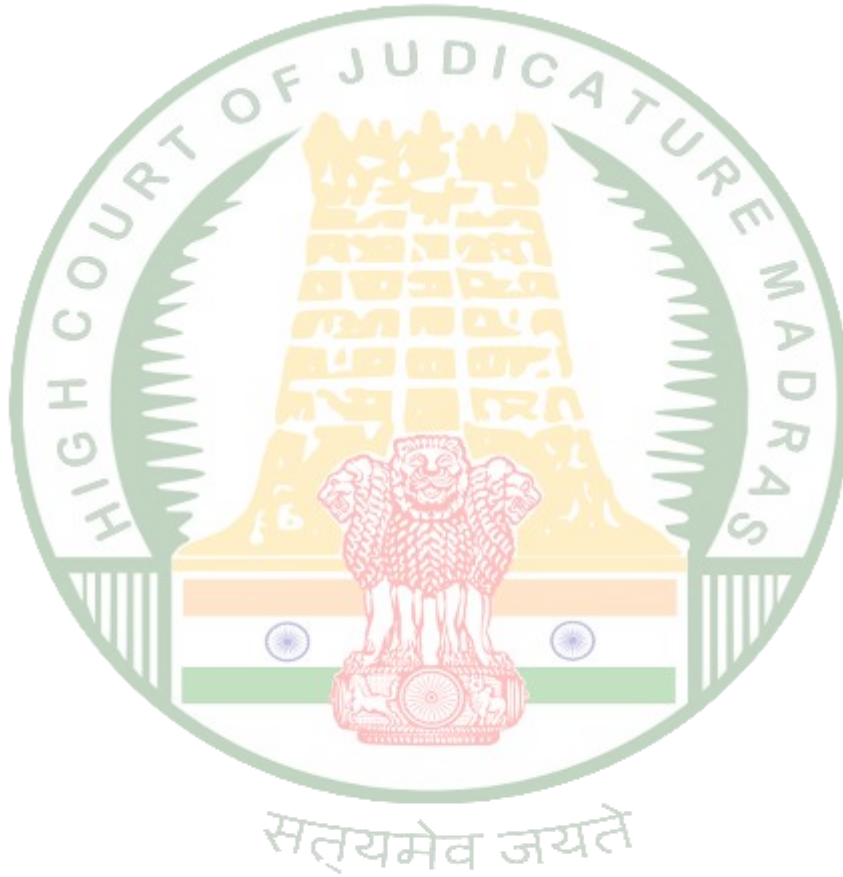
The Revenue Divisional Officer  
Salem Revenue Divisional Office  
Salem District.

+ 1 cc to Govt. Pleader SR 15023

+ 1 cc to Mr.M.Thangavel, Advocate SR 14736

vsn(co)  
prk23/3

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