



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **09.08.2017**

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A (MD) No.1037 of 2017

S.Kannan

.. Appellant / Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

3.The Tahsildar,
Srivilliputhur Taluk,
Virudhunagar District.

4.S.Rajendran

5.S.Navaneethan

.. Respondents / Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letter Patent Act, against the order passed by the learned Single Judge in W.P. (MD).No.12490 of 2014, dated 01.08.2014.

Prayer in WP(MD). 12490/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 3rd respondent in his proceedings in O.Mu.R.T.R./4266/2014 dated 23.1.2014 and quash the same as illegal and consequently direct the 2nd respondent to issue a individual UDR patta to the petitioner in respect of the land situated in Punja Survey No.230/2A5B to an extent of 20 Ares at Maharajapuram Village, Srivilliputhur Taluk, Virudhunagar District within the time limit that may be stipulated by this Honble Court.

For Appellant

: Mr.D.Selvanayagam

For R1 to R3

: Mr.T.R.Janarthanan
Additional Government Pleader



JUDGMENT

[Judgment of the Court was delivered by **M.M. SUNDRESH, J.**]

By the impugned order, the request made by the petitioner for issuance of a separate patta in his name based upon an unregistered partition deed, was rejected. The learned Single Judge has also accepted the impugned order and then dismissed the writ petition.

2. We do not find any error in the order passed by the learned Single Judge. An unregistered partition deed is inadmissible. However, the learned counsel for the appellant would submit that the appellant wants a separate patta from the one standing in the name of both himself and his brother.

3. According to the appellant, his brother has got no objection. If that is the situation, it is well open to the appellant and his brother to appear before the third respondent and seek for separate patta based on oral partition, in which, the third respondent will have to consider it and make necessary entries.

4. In view of the above observation, the writ appeal is disposed of accordingly. While doing so, the third respondent will have to conduct an enquiry by calling all other legal heirs of the deceased/father, before considering any change in the patta. No costs.

Sd/-

Assistant Registrar(crl side)

/Truecopy/

Sub Assistant Registrar

To:

1. The District Collector, Virudhunagar District, Virudhunagar.

2. The District Revenue Officer,
Virudhunagar District, Virudhunagar.

3. The Tahsildar, Srivilliputhur Taluk, Virudhunagar District.

+1cc to M/S.D.SELVANAYAGAM, Advocate SR.No.71419

+1cc to Special Government Pleader, SR.No. 72040

am

MAS/KP/SAR2:22.08.2017:2P-6C