



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2017

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A.(MD) Nos.1176 to 1179 of 2016
in
C.M.P.(MD) Nos.7621 to 7627 of 2016

N.Janaki Raman
Rep by his Power Agent,
Sathya Bama
W/o.Janaki Raman,
4/340H7, Gandhiji Road,
Paramakudi,
Ramnad District.

... Appellants in W.A (MD) No.1176/2016/
Petitioner in WP(MD)No.2265/201

N.Saravanan
Rep by his Power Agent,
Shanmugam,
4/340H6, Gandhiji Road,
Paramakudi,
Ramnad District.

... Appellants in W.A (MD) No.1177/2016/
Petitioner in WP(MD)No.2266/2016

R.Muthulakshmi

... Appellants in W.A (MD) No.1178/2016/
Petitioner in WP(MD)No.2267/2016

R.Mehrunisha

... Appellants in W.A (MD)No.1179/2016/
Petitioner in WP(MD)No.2268/2016

-vs-

1. The District Collector,
District Collectorate,
Ramnad, Ramnad District.

2. The District Revenue Officer,
Paramakudi Division,
Ramnad District.



3. The Revenue Divisional Officer,
Paramakudi Division,
Ramnad District.

4. The Thasildhar,
Paramakudi Taluk,
Ramnad District.

5. The Executive Engineer,
Public Works Department/Water Resources Organization,
Lower Vaigai Basin Division,
Paramakudi Town,
Ramnad District.

... Respondents in all the Writ Appeals/
Respondents in all WPs

PRAYER: Writ Appeals are filed under Clause 15 of Letters Patent, to allow the Writ appeals by set aside the orders dated 01.02.2016 in W.P.(MD) Nos.2265 to 2268 of 2016 on the file of this Court.

Prayer in WP(MD) . 2265/ 2016 :

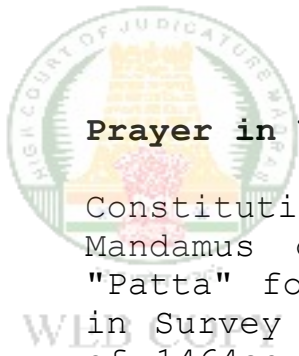
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondent No.1 to 4 herein to grant "Patta" for properties of the petitioner in Door No.4/340H7 in Survey No.40, T.S.No.18/6 and New T.S.No.38, 39 to an extent of 1560sq. feet in Gandhiji road northern side, Paramakudi Town, Ramnad District, within the time frame stipulated by this Honourable Court.

Prayer in WP(MD) . 2266/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondent No.1 to 4 herein to grant patta for properties of the petitioner in Door No.4/340H6 in Survey No.40, T.S.No.18/6 and New T.S.No.38, 39 to an extent of 1558 sq. feet in Gandhiji road northern side, Paramakudi Town, Ramnad District.

Prayer in WP(MD) . 2267/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondent No.1 to 4 herein to grant Patta for properties of the petitioner in Door No.4/344 K2 in Survey No.40, T.S.No.18/6 and New T.S.No.38, 39 to an extent of 760 sq.feet in Gandhiji road northern side, Paramakudi Town, Ramnad District within the time frame stipulated by this Honble Court.



Prayer in WP(MD) . 2268/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondent No.1 to 4 herein to grant "Patta" for properties of the petitioner in Door No.4/344F1 & F2 in Survey No.40, T.S.No.18/6 and New T.S. No.38, 39 to an extent of 1464sq. feet in Gandhiji road northern side, Paramakudi Town, Ramnad District, within the time frame stipulated by this Honourable Court.

For Appellants : Mr.T.Lajapathi Roy
(in all the Writ Appeals)

For Respondents : Mr.VR.Shanmuganathan
(in all the Writ Appeals) Special Government Pleader

COMMON ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The appellants have approached this Court seeking patta. The request made by the appellants were rejected by the learned Single Judge on the premise that the appellants are not clear about the title to the property.

2. The learned counsel for the appellants would submit that as per the decree rendered in O.S.No.116 of 2001 on the file of the Sub Court, Paramakudi, there is no dispute over the title. Therefore, the orders passed by the learned single Judge are liable to be set aside.

3. The learned Special Government Pleader appearing for the respondents would submit that there is no error in the orders passed the learned single Judge and therefore, no interference is required.

4. After going through the orders passed by the learned single Judge, we are of the view that the same ought not to have been passed by going into the merits instead of directing the fourth respondent to look into it.

5.The learned counsel for the appellants would submit that the fourth respondent may be directed to look into the petition made.

6.In such view of the matter, we are inclined to set aside the orders of the learned single Judge. Accordingly, the writ appeals are allowed and the orders of the learned single Judge are set aside. The appellants are at liberty to give a fresh application under Section 3 of the Patta Pass Book Act, before the fourth respondent. As and when such application is made, the



fourth respondent shall pass an appropriate orders on merit and in accordance with law within a period of eight weeks thereafter.

7. It is well open to the authorities to issue notice to any other third party termed as interested parties. It is made clear that all the issues are left open meaning thereby the fourth respondent would consider the application of the appellants on merits. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
District Collectorate,
Ramnad, Ramnad District.
2. The District Revenue Officer,
Paramakudi Division,
Ramnad District.
3. The Revenue Divisional Officer,
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Ramnad District.
4. The Thasildhar,
Paramakudi Taluk,
Ramnad District.
5. The Executive Engineer,
Public Works Department/Water Resources Organization,
Lower Vaigai Basin Division,
Paramakudi Town,
Ramnad District.

+ 4 CC TO Mr.T.LAJAPATHI ROY, ADVOCATE IN SR No. 76275

AM/CP

TE/MR/SAR-I : 13/09/2017 : 4P/10C