

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9728 of 2018 and
WMP.No.11649 of 2018

E.Murugarasan

... Petitioner

-vs-

- 1.The Revenue Divisional Officer,
Chidambaram,
Cuddalore District 608 001.
2. The Thasildar,
Melbhuvanagiri Main Road,
Bhuvanagiri Taluk,
Cuddalore District.
3. The Village Administrative Officer,
Periyanargunam Village,
Chinnanargnam Post,
Bhuvanagiri Taluk, Cuddalore District.
4. Sumathi

.... Respondents

Petition under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents 1 to 3 from cancelling the joint patta stands in the name of the petitioner in respect of the land to an extend of 4 ½ cents in S.No.118/9 situated at Periyanargunam Village, Chinnanargunam Post, Bhuvanagiri Taluk, Cuddalore District, without due process of law.

For Petitioner :: Mr.P.R.Thiruneelakandan

For Respondents :: Mrs.P.Rajalakshmi,
Additional Government Pleader

ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, forbearing the respondents 1 to 3 from cancelling the joint patta stands in the name of the petitioner in respect of the land to an extent of 4 ½ cents in S.No.118/9 situated at Periyankunam Village, Chinnankunam Post, Bhuvanagiri Taluk, Cuddalore District, without due process of law.

2. Learned Counsel for the petitioner submitted that the lands to an extent of 5 ¾ cents in Survey Nos.118/9 and 118/10 situated at Periyankunam Village, Chinnankunam Post, Bhuvanagiri Taluk, Cuddalore District are the petitioner's ancestral property and the petitioner acquired the same by inheritance. While so, on 6.3.1962, there was an arrangement with regard to the enjoyment of the said property among the petitioner's grandfather and his cousin brothers and in that way in respect of S.No.118/9 for an total extent of 4 ½ cents, a joint patta was issued in their name along with one Moorthiraman. After the demise of the said Moorthiraman, his legal heir has alienated the entire property covered in Survey No.118/9 under a Sale Deed dated 10.03.2016. On the basis of the sale deed, they have also approached the Revenue Authorities, namely, the respondents 1 to 3 for issuance of patta. Since the petitioner is one of the joint pattadars, without issuing any notice to the joint pattadar, the Tahsildar cannot entertain the said request for issuance of patta. The learned Counsel for the petitioner submitted that in this regard, the petitioner has given a representation dated 19.3.2018 to the respondents 2 and 3. But the same has also been not considered. Hence the present Writ Petition.

3. Heard Mr.P.Rajalakshmi, who took notice on behalf of the respondents 1 to 3.

4. Considering the facts and circumstances of the matter and also taking into account the joint patta issued against four persons including the petitioner for the very same land in Survey No.118/9 situated at Periyankunam Village, Chinnankunam Post, Bhuvanagiri Taluk, Cuddalore District, the 2nd respondent herein, namely, the Tahsildar, Melbhuvanagiri Main Road, Bhuvanagiri Taluk, Cuddalore District, is hereby directed to consider the original documents which are in possession of the petitioner before entertaining any request for issuance of patta to others in respect of the aforesaid land. It is made clear that the Tahsildar shall also consider the case of the petitioner as well as the 4th respondent by providing them personal opportunity of hearing.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Revenue Divisional Officer,
Chidambaram,
Cuddalore District 608 001.
2. The Thasildar,
Melbhuvanagiri Main Road,
Bhuvanagiri Taluk,
Cuddalore District.
3. The Village Administrative Officer,
Periyanargunam Village,
Chinnanargnam Post,
Bhuvanagiri Taluk,
Cuddalore District.

+1cc to Mr.P.R.Thiruneelakandan, Advocate Sr.29393
+1cc to the Government Pleader Sr.29972

सत्यमेव जयते W.P.No.9728 of 2018

srg 17/05/2018

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