

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.1459 of 2018

M.Prabhu

.... Petitioner

vs.

1.The District Collector,
Thiruvannamalai.

2. The Thasildar,
Thiruvannamalai Taluk,
Thiruvannamalai.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the 2nd respondent to issue patta in favour of the petitioner for the lands situate at Old S.No.230/2A5, New No.193/2B2 in Door No.354, Pilliyar Koil Street, Pavithiram Pudur Village, Tiruvannamalai Taluk, Tiruvannamalai.

For Petitioner : Mr.V.Raghavachari

For Respondents: Mr.R.Govindasamy,
Special Government Pleader

O R D E R
सत्यमेव जयते

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal.

2. The petitioner seeks for a Mandamus directing the 2nd respondent to issue patta in favour of the petitioner for the land situated at Old S.No.230/2A5, New No.193/2B2 in Door No.354, Pilliyar Koil Street, Pavithiram Pudur Village, Tiruvannamalai Taluk, Tiruvannamalai.

3. Heard Mr.V.Raghavachari, learned counsel for the petitioner and Mr.R.Govindasamy, learned Special government Pleader appearing for the respondents.

4. Mr.V.Raghavachari, learned counsel for the petitioner submitted that the petitioner is only seeking for implementation of the order already passed by the District Collector, Tiruvannamalai dated 20.02.2017, wherein the Tahsildar was directed to issue separate patta to the parties concerned including the petitioner. Therefore, he submitted that the Tahsildar has to issue separate patta to the petitioner. However, a perusal of the said order passed by the District Collector, more particularly, at paragraph No.V and also the representation made by the petitioner before the Tahsildar on 24.04.2017 would indicate that the other parties are not co-operating with the petitioner for rectifying the mistake in a document in No.1608/2001 dated 13.12.2001 through which the petitioner claims title to the property. When it is admitted by the petitioner that the other persons are not co-operating for rectifying the mistake in the said sale deed, unless and until the petitioner gets the said document rectified by initiating appropriate civil proceedings against the other persons, the present claim of the petitioner before the Tahsildar, seeking for issuance of separate patta, that too, based on the order passed by the District Collector, cannot be entertained, as the said order of the District Collector in clear and categorical terms informed the petitioner that separate document of partition must be executed by the parties and produced before the Tahsildar, who in turn, based on such document can issue patta. When such being the factual position, the present writ petition as such is not maintainable. Accordingly, this writ petition is disposed of without expressing any view on the merits of the claim made by the petitioner, however, by granting liberty to the petitioner to work out his remedy before the competent Civil Court against the persons concerned. No costs.

Sd/

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Thiruvannamalai.

2. The Thasildar,
Thiruvannamalai Taluk,
Thiruvannamalai.

+1cc to Mr.Rghavachari Advocate SR.No.5313

+1cc to Government Pleader SR.No.5839

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SDR 03.02.2018