



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.11.2018

CORAM:

THE HONOURABLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

WEB COPY

W.P (MD) No.18305 of 2018

Rethinavelu

... Petitioner

Vs.

1. The District Collector,
Thanjavur District,
Thanjavur.

2. The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Pattukottai,
Thanjavur District.

3. The Tahsildar,
Peravurani Taluk,
Peravurani,
Thanjavur District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the third respondent herein to make sub division and grant patta in respect of the lands in Survey No.466/4 measuring an extent of 16 cents, Survey No.479 to an extent of 78 cents, Survey No.435/5 measuring an extent of 40 cents and Survey No.480/1 measuring an extent of 83 cents situated at Kalagam Village, Peravurani Taluk, Thanjavur District based on the compromise decree dated 13.08.1997 passed by the Sub-Court, Pattukottai in O.S.No.179 of 1994 by considering the application of the petitioner, dated 29.12.2017.

For Petitioner : Mr.D.R.Murugesan

For Respondents: Mrs.J.Padmaavathi Devi,

Special Government Pleader.

ORDER

This writ petition has been filed seeking a writ of Mandamus, directing the third respondent herein to make sub division and grant patta in respect of the lands in Survey No.466/4 measuring an extent of 16 cents, Survey No.479 to an extent of 78 cents, Survey No.435/5 measuring an extent of 40 cents and Survey No.480/1 measuring an extent of 83 cents situated at Kalagam Village, Peravurani Taluk, Thanjavur District based on the compromise decree dated 13.08.1997 passed by the Sub-Court, Pattukottai in O.S.No.179 of 1994 by considering the application



of the petitioner, dated 29.12.2017.

2. The case of the petitioner is that the petitioner has filed a suit in O.S.No.179 of 1994 on the file of the Sub-Court, Pattukottai, Thanjavur District against his father, brother and sisters in respect of the properties belonging to his family ancestrally, which was acquired by his father. After the filing of the suit, the said suit was ended in a compromise and a compromise decree was passed by the Sub-Court, Pattukottai on 13.08.1997, by allotting shares to each one of his family members.

3. Pursuant to the said compromise decree, the petitioner has been in possession and enjoyment of the landed properties. The said compromise decree has become final and no appeal has been filed by any of the family members. Hence, the petitioner submitted an application before the third respondent on 29.12.2017 for seeking patta and the same was returned by the third respondent stating that the application is to be submitted through online and he has also applied the same through on-line and it is still pending without any adjudication. That apart, the petitioner would allege that the authorities concerned has sought for legal opinion from the Government Pleader, Pattukottai and he has opined that separate patta can be granted, after making relevant subdivisions. However, till date order has not been passed by the concerned authority.

4. The learned Special Government Pleader appearing for the respondents submitted that the concerned authority has not received the relevant documents regarding the compromise decree entered into the family members and if the necessary documents are produced, they will consider the same and pass orders.

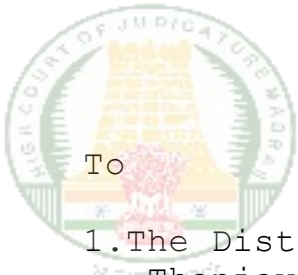
5. Accordingly, this Court directs the petitioner to submit all the relevant documents, through which he claims title and other materials within a period of four weeks before the concerned authority from the date of receipt of copy of this order and the concerned authority is directed to consider the said materials produced by the petitioner and give an opportunity in accordance with law. If the concerned authority is satisfied, he can issue appropriate orders within a period of six weeks, thereafter.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //



To

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Pattukottai,
Thanjavur District.

3.The Tahsildar,
Peravurani Taluk,
Peravurani,
Thanjavur District.

+ 1 CC TO MR.D.R.MURUGESAN, ADVOCATE IN SR NO.95157
+ 1 CC TO SPECIAL GOVERNMENT PLEADER, IN SR NO.95213

ps

BU/SKN/SAR-IV :19.11.2018 : 3P/6C

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