

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2019

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WRIT PETITION NO.33620 OF 2019

Venugopal

...Petitioner

Vs

1. The District Collector,
Villupuram.
2. The Tahsildar, Ulundurpet,
Villupuram District.
3. Murugesan
4. Natarasan
5. Gunasekaran
6. Aramudhan
7. Palani
8. Mottaiya Moopan
9. Murugan
10. Dhanalakshmi
11. Bhuvana Sundara Saravanan

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider the representation dated 26.8.2019 of the petitioner to transfer the patta in favour of the petitioner in respect of the petitioner's ancestral properties.

For Petitioner : Mr.N.Suresh

For Respondents 1 & 2 : Mr.B.Neelakandan, GA

ORDER

Mr.B.Neelakandan, learned Government Advocate accepts notice for respondents 1 and 2. Heard both.

2. Though the petitioner seeks an innocuous relief, in substance, the petitioner wants the patta to be issued in his name in respect of the property, which is stated to be standing in the name of his grandfather.

3. The petitioner states that his father is no more and that his father is the sole legal heir of his grandfather. The petitioner further states that he was not available in the village, as he took sanyasam and was away from the village for several years and after having come back to the village, he submitted a representation stating that patta should be granted to him.

4. In this writ petition, the petitioner has impleaded several private parties, who appear to be other legal heirs and who may be entitled to a right in the subject property. Unless and until the petitioner establishes that he is the sole surviving legal heir of his grandfather/great grandfather, patta cannot be granted in the individual name of the petitioner. From the averments set out in the affidavit filed in support of the writ petition, it is seen that not only the petitioner has a claim over the property, but there are other claimants also. Hence, unless and until the petitioner obtains appropriate orders from the competent forum stating that he alone is the sole surviving legal heir to be entitled to patta, the Tahsildar concerned cannot be directed to take any action. The writ petition is premature.

5. Accordingly, the writ petition is dismissed. However, it is open to the petitioner to approach the appropriate forum to establish his right and thereafter approach the Tahsildar concerned for necessary relief. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

RS

To

- 1.The District Collector, Villupuram.
- 2.The Tahsildar, Ulundurpet, Villupuram District.

+1cc to Mr.N.Suresh, Advocate, S.R.No.100270
+1cc to the Government Pleader, S.R.No.100733

WP.No.33620 of 2019

RJI (CO)
CS/07/01/2020