



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

W.P. (MD)No.16150 of 2020

WEB COPY

S.Gomathi

... Petitioner

-vs-

1.The District Collector,
Office of the District Collector,
Pudukkottai District.

2.The Tahsildar,
Office of the Thirumayam Taluk Office,
Thirumayam,
Pudukkottai District.

3.Ramakrishnan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents herein from in any manner issuing individual patta in the name of Ramakrishnan son of Palanichamy in respect of the property comprised in Survey No.150/31(A) covered under patta No.344 which is situated at Mallankudi, Thirumayam Taluk, Pudukkottai District, except through due process of law and by considering petitioner's representation dated 04.11.2019.

For Petitioner : Mr.B.Jameelarasu

For Respondents : Mr.M.Panidya Rajan

1 and 2

Additional Government Pleader

ORDER

This writ petition is filed, seeking issuance of a Writ of Mandamus forbearing the respondents herein from in any manner issuing individual patta in the name of Ramakrishnan son of Palanichamy in respect of the property comprised in Survey No.150/31 (A) covered under patta No.344 which is situated at Mallankudi, Thirumayam Taluk, Pudukkottai District, except through due process of law and by considering petitioner's representation dated 04.11.2019.

2.Heard the learned Counsel appearing for the petitioner and Mr.M.Pandiya Rajan, learned Additional Government Pleader, who took notice for the respondents 1 and 2. Since this Court is not going to pass any adverse orders against the third respondent, ~~services~~ is dispensed with.



3.It is represented by the learned counsel appearing for the petitioner that the property measuring to an extent of 89 Cents of punja land comprised in Survey No.150/31(A) situated at Mallankudi, Thirumayam Taluk, Pudukkottai District, originally belongs to the husband of the petitioner and his brother Ramakrishnan, son of Palanichamy/third respondent herein and the patta also stands in their names. Since the petitioner's husband is in abroad, taking advantage of the same, the third respondent, who is the brother of the petitioner's husband, is trying to get individual patta colluding with the officials of revenue department, as if the entire property belongs to him. Therefore, the petitioner made a representation on 04.11.2019 before the respondents requesting not to issue separate patta in respect of the property bearing S.No.150/31A. Since the said representation has not been considered by the respondents 1 and 2, the petitioner has come forward with the present Writ Petition.

4.Mr.M.Pandiya Rajan, learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that the submission of the petitioner is totally incorrect because when there is a joint patta in favour of two or more persons, unless there is a demarcation or subdivision, no separate patta will be issued.

5.I find force in the submission of the learned Additional Government Pleader that the allegations against the respondents 1 and 2 is totally incorrect. Taking note of the fact that there is a joint patta in respect of the land in question and that the respondents 1 and 2 are not inclined to issue a separate patta in favour of the third respondent, as submitted by the learned Additional Government Pleaser, no relief can be granted in this Writ Petition. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

SRM



To

1.The District Collector,
Office of the District Collector,
Pudukkottai District.

2.The Tahsildar,
Thirumayam Taluk Office,
Thirumayam,
Pudukkottai District.

+1 cc to The Special Government Pleader Sr.No.22186

W.P (MD) No.16150 of 2020
18.11.2020

KM (29.01.2021) 3P 4C