



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.12.2020**

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.18736 of 2020

Ramaraj

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Dindigul.

2.The District Revenue Officer,
Palani,
Dindigul District.

3.The Sub Collector,
Palani,
Dindigul District.

4.The Tahsildar,
Oddanchatram Taluk Office,
Oddanchatram,
Dindigul District.

5.Rengasamy @ Kannusamy
6.Thangaraj

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the second respondent to include his name in the existing joint Pattas in Patta Nos.266, 463, 728 and 729 of Thangachiammapatti Village, Oddanchatram Taluk, Dindigul District based on the petitioner's application dated 09.10.2019 on the file No.4616/2019/B6 of the second respondent within a time as fixed by this Court.

For Petitioner : Mr.K.K.Samy
For Respondents 1 to 4 : Mr.P.Kannithevan
Additional Government Pleader

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the second respondent to include his name in the existing joint Pattas in Patta Nos.266, 463, 728 and 729 of Thangachiammapatti Village, Oddanchatram Taluk, Dindigul District based on the petitioner's application dated 09.10.2019 on the file No.4616/2019/B6 of the second respondent within a time as fixed by this Court.



2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel appearing for the petitioner as well as Mr.P.Kannithevan, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 4. Since no adverse order is going to be passed against the respondents 5 and 6, notice to them is dispensed with.

4. According to the petitioner, the properties comprised in Survey No.485/1 in Patta No.728, Survey No.483/3C in Patta No.463, Survey Nos.485/3, 483/2B, 483/3B & 484/1A in Patta No.463 and Survey Nos.483/2C, 483/2D & 483/3A in Patta No.463 situated at Thangachiammapatti Village, Oddanchatram Taluk, Dindigul District is in possession and enjoyment of the petitioner's father. After the demise of the petitioner's father, his mother had managed the property. The petitioner's three elder brothers and himself are the legalheirs of his father. In the meantime, one of the petitioner's elder brothers, namely, Ponnuchamy died. Thereafter, without the knowledge of the petitioner, his two elder brothers/respondents 5&6 herein changed the patta in their name alone. When this fact came to the knowledge of the petitioner, the petitioner made a representation dated 09.10.2019 to the respondents to include his name in the joint patta and to issue a revised patta to the legalheirs of his father, Late Karuppanna Gounder. However, the same has not been considered so far. In such circumstances, the petitioner has approached this Court.

5. When the matter is taken up for hearing, Mr.P.Kannithevan, learned Additional Government Pleader would submit that the representation of the petitioner has been rejected as early as on 28.09.2020 on the ground that already O.S.No.263 of 2019 is pending before the Sub Court, Palani in this regard.

6. The learned counsel for the petitioner would submit that he has not been furnished with the copy of the order dated 28.09.2020.

7. In view of the above, since the Civil suit in O.S.No.263/2019 is pending before the Civil Court, the present relief cannot be granted and since the petitioner did not get the order, the fourth respondent is directed to furnish the rejection order, dated 28.09.2020 to the petitioner, within one week from the date of receipt of a copy of this order, in order to enable him to work out his remedy in the manner known to law.



8. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CSIII)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Collectorate,
Dindigul.

2.The District Revenue Officer,
Palani,
Dindigul District.

3.The Sub Collector,
Palani,
Dindigul District.

4.The Tahsildar,
Oddanchatram Taluk Office,
Oddanchatram,
Dindigul District.

W.P. (MD)No.18736 of 2020
18.12.2020

SS (CO)
KB(19.01.2021) 3P 5C