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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.01.2020
CORAM
THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
W.P.(MD)No.14845 of 2016

Saraswathy ... Petitioner

Vs.

The Tahsildar,
Manmangalam,
Karur District. ... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent to transfer patta in favour of the petitioner for S.F.No.193/7, 181/5, 181/6, 34/3, 198/A1, 200/A4 by considering the online application No.2016/0103/14/017436, dated 27.07.2016.

For Petitioner : Mr.M.Saravanan
For Respondent : Mr.A.Muthukaruppan,
Additional Government Pleader.

ORDER

This writ petition has been filed to direct the respondent to transfer patta in favour of the petitioner in respect of few lands in different survey numbers by considering his online application dated 27.07.2016.

2.The petitioner claims exclusive right over the property comprised in few survey numbers based on registered partition and settlement deed stated to have been executed in favour of the petitioner on 30.09.1994. The petitioner states that in the year 1993 partition deed was executed and his father was allotted 'B' schedule property and that his father executed settlement deed in favour of the petitioner on 30.09.1994. Though the petitioner executed power of attorney, dated 12.11.2001, the petitioner cancelled the said document by a deed dated 24.09.2016. The petitioner has also produced the patta indicating that the property has been registered as property of one Ammaiyappan and few others.

3.The revenue records does not indicate exclusive ownership of the property by the petitioner's father. The petitioner has not impleading any of the pattathars as per the revenue records. Since the petitioner has not established his right by producing relevant document, this Court is unable to give positive direction to grant patta in favour of the petitioner.

4.Having regard to the fact that as per the revenue records, there are several pattathars, the petitioner's application cannot be considered without impleading all necessary and proper parties. The petitioner himself has executed the power of attorney in the year 2001 and the said power of attorney is revoked by a document dated 24.09.2016. The petitioner has not produced any document to show

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that the property was not dealt with pursuant to the power of attorney deed, dated 12.11.2001.

5.Having regard to these circumstances, this Court is not inclined to issue any positive directions. However, in case, the petitioner establish his exclusive title, he can be granted patta, unless there is no other legal impediment.

6.In these circumstances, the writ petition is disposed of with a direction to the respondent to consider the petitioner's online application dated 27.07.2016, on merits and in accordance with law, after giving opportunity to the petitioner and all other joint pattathars, and pass orders, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To
The Tahsildar,
Manmangalam,
Karur District.

+1 CC to M/s.M.SARAVANAN, Advocate (SR-2440[F] dated 22/01/2020)

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