



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.23047 of 2019

Muthukumar

... Petitioner

-vs-

1.The District Collector,
Thoothukudi District.

2.The Tahsildar,
Ottapidaram Taluk Office,
Ottapidaram,
Thoothukudi District.

3.Vadivel

... Respondents

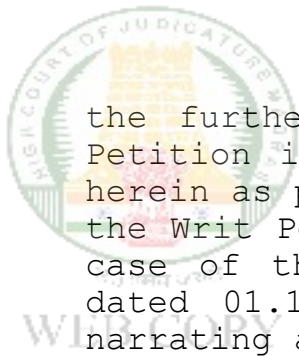
PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents herein to issue patta in favour of the petitioner in respect of the natham poramboke land in front of his house situated in Old S.No.302 New S.No.436 in Plot No.9 situated at Osanuthu, Ottapidaram Taluk, Thoothukudi District on the basis of his representation dated 01.10.2019 within the time stipulated by this Court.

For Petitioner	: Mr.C.Jeganathan
For R1 & R2	: Mr.P.Kannithevan Addl. Govt. Pleader
For R3	: Mr.V.Thirumal

O R D E R

This Writ Petition has been filed for a direction to the respondents herein to issue patta in favour of the petitioner in respect of the natham poramboke land in front of his house situated in Old S.No.302 New S.No.436 in Plot No.9 situated at Osanuthu, Ottapidaram Taluk, Thoothukudi District on the basis of his representation dated 01.10.2019.

2. The case of the petitioner is that pursuant to the sale deed executed in favour of the petitioner by his father, the property in question devolved upon him and one Subramanian created a forged



the further case of the petitioner that he already filed a Writ Petition in W.P.(MD) No.22787 of 2019 for patta without adding R3 herein as party to the said Writ Petition and therefore, he withdrew the Writ Petition with liberty to file a fresh one. It is also the case of the petitioner that though he submitted a representation dated 01.10.2019 to the respondents for issuance of patta after narrating all these events, no order has been passed thereon so far. Hence, the petitioner is before this Court with the above prayer.

3. Learned counsel appearing for R3 submitted that the property to the extent mentioned supra vests with R3 and that the contesting respondent and the petitioner are blood relatives. It was further submitted that the petitioner has already taken the extent of share in the property due to him and as per the averments made by the petitioner, the patta has been forged by one Subramanian, who has not been made as a party to this Writ Petition.

4. Learned Additional Government Pleader represented that the land in question is a Government Poramboke.

5. It is seen that there is a dispute with regard to the land in question to an extent of 0.01.11 and the petitioner and the 3rd respondent claim rights over the extent of land mentioned supra. In this case, one Subramanian is alleged to have forged patta and surprisingly, the said Subramanian has not been made as a party to the *lis*. Though this Court could have very well dismissed the petition on the ground of non joinder of necessary party, it will amount to multiplicity of proceedings. The dispute has got to be settled before the Appropriate Forum by letting in evidence and this Court cannot go into the factual aspects.

6. Hence, recording the submission made by the Additional Government Pleader that the extent of land mentioned supra is a lane, the Writ Petition is disposed of. The observations made herein above are only for the purpose of disposal of the present Writ Petition and it will not stand in the way of either of the parties to defend their case before the appropriate Civil Court. No costs.

Sd/-

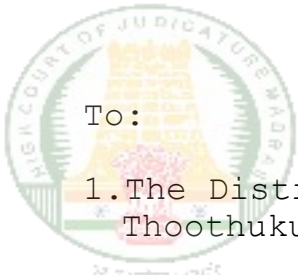
Assistant Registrar (A.E)

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Sub Assistant Registrar(CS)

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To:

1.The District Collector,
Thoothukudi District.

2.The Tahsildar,
Ottapidaram Taluk Office,
Ottapidaram,
Thoothukudi District.

+1 CC to Mr.V.THIRUMAL, Advocate SR-19835.

+1 CC to the SPL GP SR-20032.

+1 CC to M/s.VEERA ASSOCIATES, Advocate SR-20119.

W.P. (MD) No.23047 of 2019

SS (CO)

CS (23.12.2020) 3P 6C