



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.23730 of 2018

WEB COPY

1.Ammapillai

2.Chellayee Ammal

... Petitioners

Vs.

1.The District Collector,
Collectorate Buildings, Madurai,
Madurai District.

2.The Revenue Divisional Officer,
Madurai District,
Collectorate Buildings,
Madurai District.

3.Tahsildar,
South Taluk,
Collectorate Buildings,
Madurai.

4.The Tahsildar,
Tiruparamkundram Taluk,
Thiyagaraja Engineering College Road,
Tiruparamkundram,
Madurai.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents to issue patta in favour of the petitioners for the land comprised in Survey Nos.30/18G, 38/2, 39/11B, 43/1A, 43/1B, 43/3B, 43/7A, 43/9B, 43/13C, 44/7, 44/9, 47/3A, 26/11B, 27/171AB, 94/11B, 94/13B, 44/1, 44/8, 47/3C and 56/4E of Parapathi Village, Thirupparankundram Taluk, Madurai District within the time stipulated by this Court.

For Petitioners : Mr.R.Rajamohan

For Respondents : Mr.C.Ramesh
Special Government Pleader

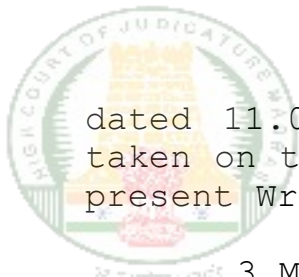
For Proposed
Impleading Respondent : Mr.S.Selvakumar



ORDER

The petitioners have filed the present Writ Petition to issue a Writ of Mandamus, directing the respondents to issue patta in favour of the petitioners for the land comprised in Survey Nos.30/18G, 38/2, 39/11B, 43/1A, 43/1B, 43/3B, 43/7A, 43/9B, 43/13C, 44/7, 44/9, 47/3A, 26/11B, 27/171AB, 94/11B, 94/13B, 44/1, 44/8, 47/3C and 56/4E of Parapathi Village, Thirupparankundram Taluk, Madurai District within the time stipulated by this Court.

2. According to the petitioners, the properties situated in the aforesaid survey numbers of Parapathi Village, Thirupparankundram Taluk, Madurai District originally belonged to the petitioners' uncle Valaguru Konar, who died intestate on 15.01.1988 without any issues and the petitioners became the legal heirs of the said Valaguru Konar, who are the children of Valaguru Konar's brother Mahalinga Konar in view of the Judgment and Decree passed in O.S.No.21 of 2010 by the Principal District Munsif, Madurai. In view of the said Judgment and Decree, the third respondent issued legal heir certificate in favour of the petitioners and the petitioners have applied to the third respondent to issue patta in their favour for the above said lands. Since the patta transfer application was not considered by the authorities, the petitioners filed a Writ Petition in W.P(MD) No.13831 of 2010 and this Court, by order dated 22.11.2010, directed the third respondent to complete the enquiry and to pass appropriate orders. Since the said order has not been complied with by the authorities, the petitioners filed a Contempt Petition in Cont.P(MD)No.371 of 2011 and in the contempt proceedings, the petitioners were informed by the authorities that one Pitchai Ammal and Perumal have filed a suit in O.S.No.48 of 2010 before the District Munsif, Madurai to declare that they are the legal heirs of the said Valaguru Konar and by Judgment and Decree, dated 30.09.2010, the said Pitchai Ammal and Perumal were declared as the legal heirs of the deceased Valagurukonar. Hence, the petitioners have filed a suit in O.S.No.287 of 2013 before the Principal District Court, Madurai to cancel the Judgment and Decree passed in favour of Pitchai Ammal and Perumal in O.S.No.48 of 2010 and the same was allowed in their favour of 10.04.2015. Further, the petitioners have filed a suit for declaration that they are the absolute owners of the properties belonged to Valaguru Konar as his legal heirs and for permanent injunction restraining Pitchai Ammal and Perumal not to interfere with the peaceful possession and enjoyment of the properties in O.S.No.296 of 2015 before the District Munsif, Thirumangalam and the same was allowed in their favour on 15.06.2017. After rectifying all the encumbrances over the properties, the petitioners have applied through online for patta transfer on 10.05.2018. Since no action has been taken, the petitioners again sent another representation



dated 11.09.2018 to the respondents. So far no action has been taken on the side of the respondents, the petitioner has filed the present Writ Petition.

3.Mr.S.Selvakumar, learned counsel representing for K.Perumal / proposed impleading respondent submitted that five suits have been filed and in some of the suits, ex-parte decree has been passed and at present, one suit viz., O.S.No.365 of 2016 is pending on the file of the District Munsif Court, Thirumangalam and therefore, he strongly objected for considering the petitioners' application.

4.The learned counsel appearing for the petitioners submitted that the petitioners have obtained decree from the civil Court and hence, there is no legal impediment for the authority to consider their application.

5.Considering the submissions made by the learned counsel appearing on either side, this Court is inclined to pass the following order:-

(i) The petitioners as well as the aggrieved person, namely K.Perumal shall submit their respective documents before the fourth respondent within a period of two weeks from the date of receipt of a copy of this order.

(ii) The fourth respondent is directed to consider the representation of the petitioners dated 11.09.2018 and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to the petitioners, the aggrieved person, namely K.Perumal as well as any other aggrieved persons, if any, within a period of twelve weeks thereafter.

6.The Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

PS

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,

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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

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Madurai.

+1 CC to Mr.R. RAJAMOHAN, Advocate (SR-16824[F] dated 15/09/2020)

+1 CC to Mr.S. SELVAKUMAR, Advocate (SR-16814[F] dated 15/09/2020)

Order made in
W.P.(MD)No.23730 of 2018
Dated:
14.09.2020

SCR(CO)
KM (03.11.2020) 4P 7C