



IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 27.08.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.1689 of 2020  
(Through Video Conference)

- 1) E.Prabudoss  
2) E.Krishnasamy ...Petitioners

Vs

- 1) The District Collector,  
Villupuram District.  
2) The Revenue Tahsildar.  
Kallakurichi,  
Villupuram District. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioners' representations dated 26.09.2019 consequently direct the respondents to measure and issue separate patta with respect to our properties bearing S.No.348/2 in Kongarapalayam Village, Kallakurichi admeasuring 1.42 1/2 cents in S.No.348/4 admeasuring 0.04 cents, admeasuring 195 cents in S.No.281/1, admeasuring 0.56 cents in S.No.67/5, admeasuring 2.64 cents in S.No.281/1 vacant land, admeasuring 1200 sq ft land in S.No.281/1.

For Petitioners : Mr.S.N.Subramani

For Respondents : Mr.K.M.D.Muhilan,  
Government Advocate

O R D E R

This Writ Petition has been filed seeking for a Writ of Mandamus for issuance of a direction to the respondents to consider the petitioner's representation dated 26.09.2019 for issuance of patta.



2. The case of the petitioners is that the petitioner's grandfather Ramasamy executed a registered Will in favour of the petitioners, on the file of the Sub-Registrar, Thiayagathurgam, vide Doc.No.14 of Book III, dated 16.08.2000 to transfer his right over the properties bearing S.No.348/2 in Kongarapalayam Village, Kallakurichi admeasuring 1.42 1/2 cents in S.No.348/4 admeasuring 0.04 cents, admeasuring 195 cents in S.No.281/1, admeasuring 0.56 cents in S.No.67/5, admeasuring 2.64 cents in S.No.281/1 vacant land, admeasuring 1200 sq ft land in S.No.281/1 to the petitioners. The petitioner's grandfather died on 24.10.2009. Thereafter, the petitioners herein made individual representations to the respondents on 26.09.2019 along with the payment of necessary fees, seeking to measure and issue separate pattta with respect to the aforesaid properties. The learned counsel for the petitioners submitted that the enquiry was conducted on 05.02.2020.

3. The learned Government Advocate, appearing for the respondents would submit that the second respondent has also considered the various aspects in the enquiry conducted on 05.02.2020 and by getting a report from the Village Administrative Officer and also the Surveyor, the said Revenue Tahsildar/second respondent herein, has come to the conclusion that regarding the Uyil, which was written in the year 2000, the survey no.724/20-00078 sq.m in Natham new no.685/1 00900 sq.m has been classified as "Natham Government Poramboke Vacant Land" and there is no buildings in the same. Since the said land has been classified as 'sarkar porambokku', there can be no grant of patta to the said land and the same has been rejected. Only aggrieved over the said order of rejection, the petitioners now have approached the Sub Collector, Kallakurichi within a period of 30 days.

4. In reply to the submission made by the learned Government Advocate for the respondents, the learned counsel for the petitioners submitted that no such order has been issued or they have received and therefore, prays for condoning the delay, as already one year and four months have lapsed from the date of passing the order, which has not been brought to the knowledge of the petitioners. Hence, the petitioners also seek for condoning the delay.

5. The petitioners state the reason that only on this day (27.08.2021), on production of the order copy by the learned Government Advocate before this Court, they came to the knowledge of the same. In view of the submission made, liberty is given to the petitioners to approach the Authorities regarding the same and the said delay can be considered by the Authorities as per law and the Authorities shall pass



appropriate orders in the appeal.

6. With the above observations, this Writ Petition stands  
Disposed of. No costs.

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Sd/-  
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To:

- 1) The District Collector,  
Villupuram District.
- 2) The Revenue Tahsildar.  
Kallakurichi,  
Villupuram District.
- 3) The Sub Collector,  
Kallakurichi

+1CC to Mr.S.N.Subramani, Advocate, Sr.No.43453

+1CC to Mr.Government Pleader, Sr.No.43677

Order made in  
W.P.No.1689 of 2020

KK (CO)  
K.RK (06.10.2021)