

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2021

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

**W.P.No. 5839 of 2019**  
**And**  
**W.M.P.Nos. 6672 & 18039 of 2019**

Krishnan

... Petitioner

**Vs.**

1. Government of Tamil Nadu  
by its Secretary  
Revenue Department  
Secretariat, Chennai.
  2. The District Collector  
Namakkal.
  3. The District Revenue Officer  
Namakkal.
  4. The Thasildhar  
Mohanur  
Namakkal District.
- ... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the third Respondent proceedings No. Na.Ka.No. 15667/2016 (O1) dated

07.01.2019 and quash same is illegal and direct the third respondent to issue patta in favour of the petitioner and his brothers for the suit property in O.S.No. 400 of 1988 on the file of the Additional District Munsif Court, Namakkal, as per the decree passed on 22.03.1993.

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For Petitioner : Mr. S.Nuthukrishnan

For RR 1 to 4 : Mr. Yougesh Kannadasan  
Government Advocate

### ORDER

The Writ Petition has been filed in the nature of a writ of Certiorarified Mandamus to interfere with the order of the third respondent / District Revenue Officer, Namakkal, in Na.Ka.No. 15667/2016 (O1) dated 07.01.2019 whereby the representation of the petitioner had been rejected on the ground that the Government had filed an Appeal before the Sub Court against the Judgment in O.S.No. 400 of 1988 which had been decreed on 22.03.1993.

2. Without going deeply into the facts of the case, the said order is set aside and a direction is given to the petitioner to give a fresh application

to the fourth respondent/ Thasildhar, Mohanur, Namakkal District, seeking patta for the lands in S.Nos. 405/3, 406/3, 413/1 and 405/2B in Sevanthipatty Post, Mohanur Taluk, Namakkal District.

3. The fourth respondent on receipt of the said representation made examine the revenue records, may examine the nature of the land, may also invite the petitioner for an enquiry and thereafter take a considered decision whether to grant patta or not to grant patta. The Thasildhar may also examine whether the appeal said to have been filed against the decree in O.S.No. 400 of 1988 is still pending or not and if the same is pending, mention the name of the first appeal so that the petitioner can participate in the said appeal. The Thasildhar may also get an affidavit from the petitioner that to his knowledge no such appeal is pending or no such further appeal is pending as against the decree in O.S.No. 400 of 1988. However, after subjecting o satisfaction, the Thasildhar may take an independent decision whether to grant patta or not to grant patta. Reasons for the same may also be intimated to the petitioner. The entire exercise should be completed within a period of 12 weeks from the date of representation from the petitioner. The petitioner is directed to give a representation within a period of two weeks from the date of receipt of a copy of this order.

**C.V.KARTHIKEYAN, J.**

**Vsg**

4. With the above said observation, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No order as to costs.

18.08.2021

Index: Yes/No  
Internet: Yes/No  
vsg

To

1. The Secretary  
Government of Tamil Nadu  
Revenue Department  
Secretariat, Chennai.
2. The District Collector  
Namakkal.
3. The District Revenue Officer  
Namakkal.
4. The Thasildhar  
Mohanur  
Namakkal District.



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**And**

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