

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2021

CORAM: JUSTICE N.SESHASAYEE

WP.NO.3123 OF 2021

Periyasamy

...Petitioner

-Vs-

The Revenue Thasildar,
Tirukoilur Taluk,
Tirukoilur,
Kallakurichi District.

...Respondent

Prayer:

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the respondent in Mu.Mu.Aa4/2495/2020 dated 17.12.2020 and quash the same and further direction directing the respondent to add the petitioner's name in the revenue records of chitta and patta (Patta Nos.144 & 176) as joint owner in respect of the properties in Survey Nos.333/10C, 10F, 10J, 9C, 332/14A, 359/4A, 359/5A, 362/2A, 2E, 7C, 7F, 8A, 365/12C, 365/13E, 377/12 and 364/6 situated at Vengur Madura Revenue Village, Kottamedu Village, Tirukoilur Taluk, Kallakurichi District within a stipulated period fixed by this Hon'ble Court.

For Petitioner : Mr.C.Samivel

For Respondent : Mr.S.N.Parthasarathi
Government Advocate

ORDER

The petitioner challenges the proceedings of the respondent/Tahsildhar, which is said to bear a date 17.12.2020 (it is undecipherable to a naked eye of any ordinary human being), wherein petitioner's plea for obtaining patta for certain properties has been denied on the ground that there was a suit pending in O.S.No.153 of 2016 on the file of District Munsif Court, Thirukoilur.

2.The learned counsel for the petitioner submitted that the property involved in that suit, and the property, in regard to which the petitioner seeks joint patta, are different and attempted to take this Court to the copy of the plaint enclosed

in the typed set of papers.

3.However, in the schedule of properties, the suit plan essentially details the suit properties in terms of paimash number and no correlation could be ascertained therefrom. This apart, it also appears the suit in O.S.No.153 of 2016 has been dismissed as withdrawn on 23.12.2020.

4.Mr.S.N.Parthasarathi, learned Government Advocate entered appearance for the respondent and made a statement that the petitioner might have to implead his siblings as party to this proceedings.

5.The issue involved in this case is composite. First, there was a dispute as to title and second, the property which was actually involved in that litigation. Now, it appears that the litigation part is over but, the other part continues to remain. An investigation on this aspect is essentially one on fact and this Court consciously intends to refrain from embarking a decision on it.

6.This Court therefore, requires the petitioner to approach the RDO, Thirukoilur within a period of two weeks from the date of receipt of a copy of this order. The RDO, Thirukoilur shall dispose of the same after issuing notice to the parties who are likely to be affected by his decision, provide them a fair and effective hearing, within a period of twelve (12) weeks from the date of receipt of a copy of this order, subject to the period, if any lost for the responsibilities associated with the conduct of the General Elections, 2021.

7.The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Tsg

To

1. The District Munsif Court,
Thiruvallur.

2. The Revenue Thasildar,
Tirukoilur Taluk,
Tirukoilur,
Kallakurichi District.

3. The Revenue Divisional Officer,
Thirukoilur.

+1cc to Mr.C.Samivel, Advocate, S.R.No.9711
+1cc to the Government Pleader, S.R.No.9191

W.P.No.3123 of 2021

BS (CO)
CS/18/03/2021