

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.12349 of 2018
and W.M.P.No. 14491 of 2018

1. Jayalakshmi

2. S.Thara

3. Jeeva

4. Anusuya

...Petitioners

-Vs-

1.The State of Tamil Nadu represented by the
Secretary to Government, Department of Revenue
Fort St.George, Chennai - 600 078.

2.The District Collector,
Tiruvannamalai, Tiruvannamalai District.

3.The Tahsildar, Tiruvannamalai
Thiruvannamalai District.

4.Rajendran

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 2nd respondent herein to correct the revenue records suitably pertaining to the dry agricultural lands in joint patta No. 521 in the joint names of late Govindasamy and late Narayanasamy and to issue joint Patta in the name of the petitioners being 1) Thara W/o. Late.Srinivasan 2) Jayalakshmi W/o. Late. Govindasamy 3). Jeeva W/o. Ganesan 4) Anusuya W/o.Late Paramasiyan pertaining to the half portion of land with an extent of 11.70 acres out of 23.40 acres of land comprised in various survey numbers being 414/2B (4.25 acres) 414/2C (3.87 acres) 415/3A (4.66acres) 414/3B(4.44 acres) 415/3C (3.90 acres), 417/1 (0.36 acres), 417/2 (1.36 acres) and 414/11 (0.56 acres) situated in Sorakolathur village, Tiruvannamalai Taluk and District by cancelling the inappropriate patta No.835 issued in the name of Late Narayanaswamy.

For Petitioners :No appearance

For Respondents :Mr.N. Inbanathan,
Additional Government Pleader
for R1 to R3

O R D E R

The prayer sought for herein is for a Writ of Writ of Mandamus directing the 2nd respondent herein to correct the revenue records suitably pertaining to the dry agricultural lands in joint patta No. 521 in the joint names of late Govindasamy and late Narayanasamy and to issue joint Patta in the name of the petitioners being 1) Thara W/o. Late.Srinivasan 2) Jayalakshmi W/o. Late. Govindasamy 3). Jeeva W/o. Ganesan 4) Anusuya W/o.Late Paramasiyan pertaining to the half portion of land with an extent of 11.70 acres out of 23.40 acres of land comprised in various survey numbers being 414/2B (4.25 acres) 414/2C (3.87 acres) 415/3A (4.66acres) 414/3B(4.44 acres) 415/3C (3.90 acres), 417/1 (0.36 acres), 417/2 (1.36 acres) and 414/11 (0.56 acres) situated in Sorakolathur village, Tiruvannamalai Taluk and District by cancelling the inappropriate patta No.835 issued in the name of Late Narayanaswamy.

2. The case of the petitioners is that, they have given a request to the Tahsildar ie., the third respondent to correct the Revenue Records and issue Joint Patta in the names of the petitioners with respect to the lands in various Survey Numbers situated at Sorakolathur Village, Tiruvannamalai Taluk and District. However, according to the petitioners, no action has been taken on the request of the petitioners. Therefore, they approached this Court with the aforesaid prayer.

3. When the case is taken up for hearing today, none appeared on behalf of the petitioners. However, Mr.Inbanathan, learned Additional Government Pleader appearing for the official respondents, relied upon the following averments made in Para 9 of the counter affidavit.

" 9. It is submitted that the patta No.835 issued in the year of 1985 after competition of 32 years the petitioner made representation to change the name in patta. In the meanwhile, the petitioner filed case before the District Legal Forum in Case No.296 of 2018 and the same was pending till date. The 3rd respondent appeared in the hearing of legal 22/01/2018 also. On 09/05/2018, the 3rd respondent/passed an order on the petitioner's representation stating that the petitioner has not

produced any document to prove that the property owned by her father-in-law. Further the petitioner allegation that the patta no.835 was issued as illegal in favour of Narayanasamy, but the said Narayanasamy was also died. At this stage the 3rd Respondent has not in position to change the patta in favour of the petitioner. The revenue authorities has no power to confer the title of the properties and the same was confirmed in many reported judgments."

4. By relying upon the aforesaid averments, the learned Additional Government Pleader would submit that, in fact the request of the petitioners was considered by the third respondent before whom the petitioners appeared and after having considered the case of the petitioners, the third respondent has passed an order on 09.05.2018, rejecting the claim made by the petitioners. Therefore, the learned Additional Government Pleader would submit that, the question of considering the present prayer sought for in this writ petition does not arise at this juncture in view of the order having been passed by the third respondent as early as on 09.05.2018.

5. I have considered the said submissions made by the learned Additional Government Pleader and also perused the materials placed on record.

6. With regard to the grievance of the petitioners to issue joint patta in the names of the petitioners in respect of the land in question, the plea of the petitioners was rejected by the third respondent by his order dated 09.05.2018. However, a copy of the order has not been produced before this Court. It is not known as to whether a copy of the said order has been served on the petitioners or not.

7. Be that as it may. In view of the said order having been passed, the issue raised in the writ petition has come to a quietus and if the petitioners still feel aggrieved, they can challenge the said order dated 09.05.2018 and work out their remedies in the manner known to law.

8. In that view of the matter, this writ petition is disposed of with the following order. That the third respondent is hereby directed to communicate the copy of the order dated 09.05.2018 to the petitioners within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, it is open to the petitioners to challenge the same or work out their remedies in the manner known to law.

9. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

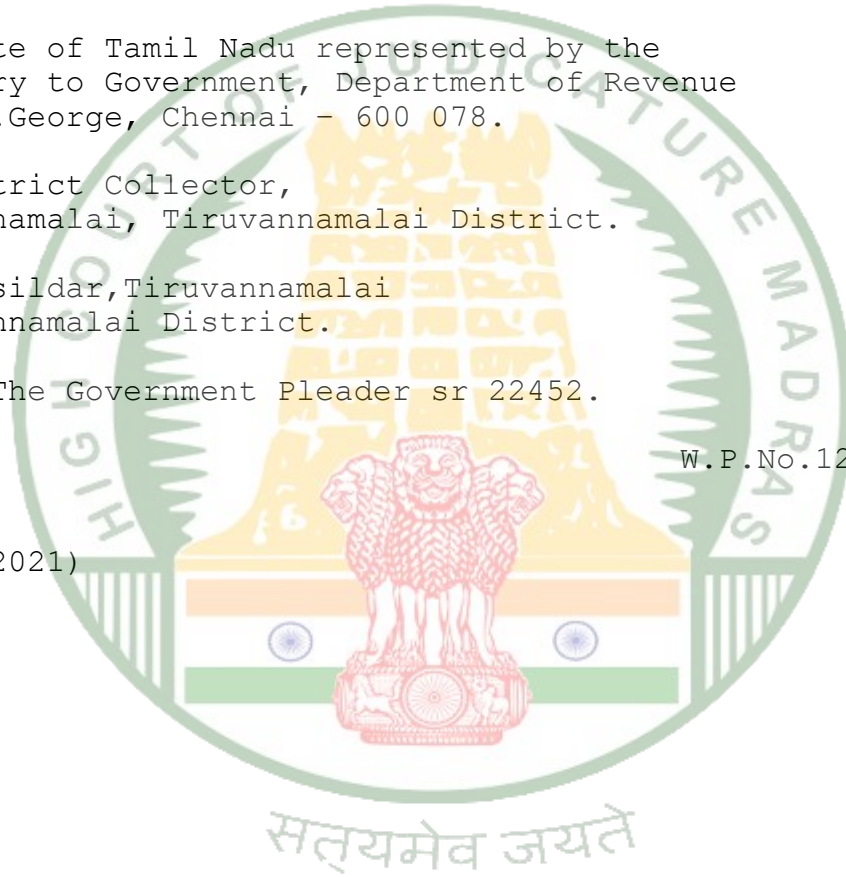
KST

To

- 1.The State of Tamil Nadu represented by the
Secretary to Government, Department of Revenue
Fort St.George, Chennai - 600 078.
 - 2.The District Collector,
Tiruvannamalai, Tiruvannamalai District.
 - 3.The Tahsildar, Tiruvannamalai
Thiruvannamalai District.
- +1 CC to The Government Pleader sr 22452.

W.P.No.12349 of 2018

PL(CO)
SP(19/05/2021)



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