



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.19427 OF 2021

1.Kannan
2.Gopal
3.Prabakaran

... Petitioners

.Vs.

1. The District Collector,
Collectorate,
Tiruvannamalai District,
Tiruvannamalai.

2. The District Revenue Officer,
Collectorate,
Tiruvannamalai District,
Tiruvannamalai.

3. The Revenue Divisional Officer,
Kalasapakkam Taluk,
Tiruvannamalai,
Tiruvannamalai District.

4. The Tashildar,
Kalasapakkam Taluk,
Tiruvannamalai,
Tiruvannamalai District.

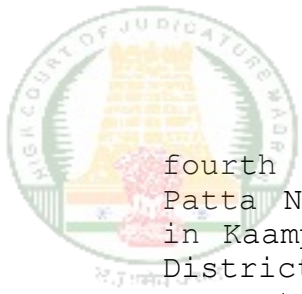
5. The Village Administrative Officer,
Kammpattu,
Kalasapakkam Taluk,
Tiruvannamalai District.

6. Parasuraman
7. Thoppai Gounder
8. Balasubramaniam
9. Annamalai
10.Arunachalam

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the



fourth respondent to remove the names of Respondents 6 to 9 in Patta No.350 and to subdivide the lands situated in S.No.27/1, in Kaampattu Village Account, Kalasapakkam Taluk, Tiruvannamalai District and to grant Joint patta in the name of name to the properties to an extent of one acre, in S.No.27/1, in Kaampattu Village Account, Kalasapakkam Taluk, Tiruvannamalai District, as per our purchase through a registered sale deed dated 28.12.2020, vide document No.2225/2020, on the file of Sub Registrar, Kalasapakkam.

For Petitioners : Mr.A.Gouthaman

For Respondents : Mr.Yogesh Kannadasan for R1 to R5
Government Advocate

ORDER

This writ petition has been filed for a mandamus to direct the fourth respondent to remove the names of the respondents 6 to 9 in Patta No.350 and to subdivide the lands situated in S.No.27/1 in Kaampattu Village Account, Kalasapakkam Taluk, Tiruvannamalai District and to grant joint patta to the properties to an extent of one acre in S.No.27/1 in Kaampattu Village Account, Kalasapakkam Taluk, Tiruvannamalai District through a registered Sale Deed dated 28.12.2020 vide Document No.2225/2020 before the Sub Registrar, Kalasapakkam.

2.The case of the petitioners are that the properties to an extent of one acre situated in S.No.27/1 in Kaampattu Village Account, Kalasapakkam Taluk, Tiruvannamalai District belonged to one Alamelu Ammal as per Judgment and decree dated 15.10.2020 passed by the Additional Sub ordinate Judge, Tiruvannamalai.

3.The petitioners submit that the above said suit was filed by one Alamelu as against one Annamalai and Arunachalam, claiming 1/2 share over the suit scheduled properties mentioned in the above suit and the properties situated in S.No.27/1 are also one of the property mentioned in the suit schedule of property in the above suit.

4.The petitioners further submit that the pending above suit, it seems there was a compromise between the parties to the aforesaid suit and in view of the compromise memo, the Court had passed a final decree in the above said suit and in the above said final decree, the properties situated in S.No.27/1 to an extent of one acre were allotted to Alamelu.

5.According to the petitioners, the total extent of property situated in S.No.27/1 is 1.16 acres and as per the Judgment and



decree of the learned Additional Sub ordinate Judge, Tiruvannamalai in O.S.No.428 of 2020, one acre was allotted to plaintiff in that suit viz., Alamelu and remaining 16 cents was allotted to second defendant in that suit viz., one Arunachalam.

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6.The petitioners submit that he along with his brothers have purchased a property situated in S.No.27/1 to and extent of one acre from his vendor Alamelu, the above said Sale Deed dated 28.12.2020 was registered as Document No.2225/2020 before the Sub Registrar, Kalasapakkam.

7.The petitioners further submits that in view of the above said purchase, he and his brothers were in peaceful possession and enjoyment of the property situated in S.No.27/1 to an extent of one acre with specific boundaries, except them no one is having any manner of right and title over the property, but on verification, he came to know that to the total 1.16 acres some third parties name had been mentioned in patta No.350.

8.According to the petitioners, in view of said Judgment and decree in O.S.No.428 of 2020, to an extent of one acre was allotted to his vendor Alamelu and remaining extent of 16 cent was allotted to tenth respondent herein, but patta stood in the name of unknown person.

9.The petitioners submit that the ninth respondent is his father and his father does not have any right in the above said S.No.27/1 and hence a fresh patta has to be issued in the name of the petitioners as well as the tenth respondent by removing the respondents 6 to 9 from Patta No.350 and as per their Sale Deed they are entitled one acre and they require joint patta to the property purchased by them.

10.The petitioners further submit that he has given representation dated 04.08.2021 to the official respondents, they have not come forward to grant joint patta in their name.

11.The petitioners have no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petitioner filed.

12.Heard, learned counsel for the petitioners and the learned Government Advocate for the respondents 1 to 5 and perused the materials available on record.

13.The learned Government Advocate for the respondents 1 to 5 submits that the Revenue Divisional Officer is the Competent Authority and the petitioners shall approach the third respondent.



14. In view of the above facts and circumstances of the case and considering the submission made by the petitioners, this Court is of the view that the petitioners shall approach the third respondent by giving application within a period of three weeks from the date of receipt of a copy of this order and thereafter, the third respondent/Revenue Divisional Officer, Kalasapakkam Taluk, Tiruvannamalai District shall conduct enquiry and pass appropriate orders in accordance with law, after issuing notice to all the parties concerned, within a period of five months from the date of receipt of copy of an application.

15. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Collectorate,
Tiruvannamalai District,
Tiruvannamalai.
2. The District Revenue Officer,
Collectorate,
Tiruvannamalai District,
Tiruvannamalai.
3. The Revenue Divisional Officer,
Kalasapakkam Taluk,
Tiruvannamalai,
Tiruvannamalai District.
4. The Tashildar,
Kalasapakkam Taluk,
Tiruvannamalai,
Tiruvannamalai District.



5. The Village Administrative Officer,
Kammpattu,
Kalasapakkam Taluk,
Tiruvannamalai District.

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+1cc to Mr.A.Gouthaman, Advocate, S.R.No.46829
+1cc to the Government Pleader, S.R.No.47498

W.P.No.19427 of 2021

PM(CO)
PM/13/12/2021