



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V BHAVANI SUBBAROYAN

W.P No.21917 of 2021

and

W.M.P No.23122 of 2021

R.Pachamuthu
Petitioner

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Vs

1. The District Collector
District Collectorate Office
Tiruvannamalai District-606 604
2. The Revenue Divisional Officer
Tiruvannamalai Sub Division
Tiruvannamalai District-606 604
3. The Tahsildar
Kilpennathur Taluk
Tiruvannamalai District-604 601

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Respondents

Prayer: This Writ Petition is filed under Section 226 of Constitution of India to issue a Writ of Mandamus directing the second respondent to pass an order on the petitioner's representation dated 10.08.2021 for grant of patta to the property in his name.

For Petitioner : Mr.N.Kumar Rajan

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 10.08.2021 for grant of patta to his property in his name.

2. The case of the petitioner is that the petitioner is



in possession and enjoyment of the property in Old Survey No.69 to an extent of 7.80 acres at Velananthal Village, Tiruvannamalai District. Originally, the said property has been purchased by the petitioner's grand father, namely Pacha Gounder by way of sale deed dated 26.12.1961 vide doc.no.7425 of 1961 before the SRO, Joint-II, Tiruvannamalai from one Athigullah Saib and thereafter, it was partitioned between the petitioner's father Ramasamy, his uncles Ramalingam and Annamalai and his another uncle's son Pichaikaran, S/o.Manna Gounder, by way of partition deed dated 30.05.1983 vide doc.no.760/1983 registered before the SRO, Joint-II, Tiruvannamalai. After partition, out of 7.80 acres, the petitioner's father Ramasamy was entitled to an extent of 2.45 acres, his uncle Ramalingam was entitled to an extent of 2.60 acres and another uncle's son Pichaikaran, S/o.Manna Gounder was entitled to 2.75 acres and another uncle Annamalai was not allotted in respect of that property. Thereafter, an exchange deed was executed by the petitioner's uncle Ramalingam to an extent of 2.60 acres, on 17.12.1992 vide doc.no.1265 of 1992 registered before the SRO, Joint-I, Tiruvannamalai which has new Survey Nos.98/2, 98/3 and 98/4 and now they are in possession to the total extent of 5 acre 6 cents.

3. It is the further case of the petitioner that the old Survey No.69 was changed to New Survey No.98/1 and his cousin Pichaikaran had sold his share to one Chinnannan by way of sale deed dated 20.09.2000 vide doc.no.1797 of 2000 registered before the SRO, Joint-I, Tiruvannamalai. The purchaser Chinnannan's wife Marimuthammal got the patta No.385 to an extent of 2.68 acres, but as per the parent document, she is entitled only to an extent of 2.75 acres. Further, Old Survey No.69 was given a patta. Unfortunately in 'A' diary extract, it was wrongly shown as DC lands. Even in the DC lands, G.O passed by the Government of Tamil Nadu in Old Survey No.69 which was changed to New Survey Nos.98/2, 98/3 and 98/4 it was not there. Even the documents pertaining to the Village Administrative Officer, it was not shown as DC lands and even in the 'A' diary extract, it was not shown as DC lands and his predecessor Athigullal Saib name was shown as Pattatharar.

4. The petitioner further averred that at the time of entry in the computer, the petitioner's land was wrongly shown as DC lands, and hence the petitioner made a representation dated 05.12.2016 to the respondents herein to rectify the same. Initially, they asked the surveyor to inspect the lands and verify the records and submit the report to transfer of patta in his name, unfortunately, there was no progress. Thereafter, once again the petitioner sent a representation on 10.08.2021 to the second respondent to transfer the patta in his name and they informed him that they will send a surveyor to inspect the



property, but there was no response from the respondents 1 and 2 herein. Hence the present writ petition is filed.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and also perused the materials on record.

6. Without going into the merits of the case, this Court is inclined to direct the second respondent to consider the representation of petitioner dated 10.08.2021 and pass orders on merits and in accordance with law within a period of five months from the date of receipt of copy of this order.

7. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

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District Collector Office
Tiruvannamalai District-606 604
2. The Revenue Divisional Officer
Tiruvannamalai Sub Division
Tiruvannamalai District-606 604
3. The Tahsildar
Kilpennathur Taluk
Tiruvannamalai District-604 601

+1cc to Mr.N.Kumar Rajan, Advocate, S.R.No.53948
+1cc to the Government Pleader, S.R.No.54236

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and
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JPL(CO)
RGA(22/11/2021)