



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2021

WEB COPY

CORAM:

THE HONOURABLE MRS.JUSTICE V BHAVANI SUBBAROYAN

W.P No.21922 of 2021

P.Rajangam

..Petitioner

Vs

1.The Tahsildar,
Cuddalore.

2.Gajendran

3.Rajendran

..Respondents

Prayer: This Writ Petition is filed under Section 226 of Constitution of India to issue a Writ of Mandamus directing the 1st respondent to grant patta to the petitioner in respect of property bearing S.Nos.25/8E and 8F measuring 13-1/4 cents by considering the representation dated 05.08.2021.

For Petitioner : Mr.R.Gururaj

For Mr.D.Baskar

For Respondents : Mr.V.Veluchamy

Government Advocate for R1

O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the 1st respondent to grant patta to the petitioner in respect of property bearing S.Nos.25/8E and 8F measuring 13-1/4 cents by considering the representation dated 05.08.2021.

2. The case of the petitioner is that Natesan, Pakkiri, Poongan and Perumal were brothers and they owned a total extent of Ac.0.41 in Old S.No.167/3 in Kambalimedu Village, Cuddalore



Taluk, Cuddalore District. Patta for the entire 41 cents stood in the name of the 4 brothers. The 'A' register showed patta in the name of Natesan and 3 others. Later, there was an oral partition between the 4 brothers more than 50 years back. In the partition, Natesan was given 21 cents. Natesan's son Lakshmanan took 10 cents, while another son Kannabiran took 11 cents. Poongan was allotted 6-3/4 cents, Perumal was allotted 6-3/4 cents, Pakkiri was allotted 6-1/2 cents. Pakkiri had 2 sons Velayudham and petitioner and they took 3-1/4 cents each. Lakshmanan's family is in possession of 10 cents, while Kannabiran's family is in possession of 11 cents. Poongan's son is Ezhaimuthu. His family is in possession of Poongan's 6-3/4 cents. Perumal's son Veerappan sold away his 6-3/4 cents to Velayudham, who is the elder brother of the petitioner, under a registered sale deed dated 07.05.1968. Thus, Perumal's heirs do not have any property there. From Velayudham, the petitioner had purchased the aforesaid 6-3/4 cents by means of a registered sale deed dated 18.02.1974. Later, by means of a registered sale deed dated 01.04.1976, Velayudham sold the 3-1/4 cents obtained by him in the oral partition to the petitioner. The petitioner obtained 3-1/4 share in the partition. Thus, the petitioner is entitled to $3-1/4 + 6-3/4 + 3-1/4 = 13-1/4$ cents in the entire 41 cents, in one block and he is in possession of the same. There are 3 houses in the entire property wherein the petitioner and his 3 sons Kaliamurthi, Chinnadurai and Arumugham are living.

3. It is the further case of the petitioner that during the time of re-survey, old survey number was assigned as new S.No.25/8 and patta was entered in the name of Natesan and his 3 brothers. Later, when Lakshmanan and Kannabiran applied for transfer of patta to their names, the property seems to have been sub-divided as S.Nos.25/8A, 8B, 8C, 8D, 8E and 8F. Patta for Lakshmanan was given in S.No.28/8B for 0.04.05 ares, Patta for Kannabiran was given in S.No.25/8C for 0.04.45 ares. The petitioner has been given S.No.25/8E for 0.02.15 ares which relates to the property obtained by the petitioner and his brother in the partition. The petitioner also purchased his brother's share. Even then, there is a shortfall of 1 cent. As far as the remaining extent is concerned, including 6-3/4 cents purchased by the petitioner, patta still stands in the name of Natesan and 3 others, which is inexplicable and this has happened without the knowledge of the petitioner and no notice



was sent to him. Patta has not been transferred to the names of Poongan's heirs. Thus, patta in respect of S.Nos.25/8B and 8C is alright. In the remaining 20 cents or 8 ares, in respect of 6-3/4 cents, patta has to be given to Poongan's heirs. For the remaining 13-1/4 cents, a single patta has to be issued to the petitioner. As per the sub division by the 1st respondent, the petitioner's property is covered by S.Nos.25/8E and 8F. Poongan's son was Ezhaimuthu, Respondents 2 and 3 are Ezhaimuthu's sons. They are entitled to 6-3/4 cents. They have no objection in separate pattas being given. They have been impleaded since they are interested in 6-3/4 cents. The petitioner gave a representation dated 05.08.2021 to the 1st respondent to effect mutation, but there was no response. Hence the present petition.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first respondent and also perused the materials on record.

5. Without going into the merits of the case, this Court is inclined to direct the first respondent to consider the representation of petitioner dated 05.08.2021 and pass orders on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

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To
The Tahsildar,
Cuddalore.

+1CC to The Government Pleader, SR.No. 54254

W.P No.21922 of 2021

AJS(CO)
B.VC (08/11/2021)