



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

W.P. (MD) No.8021 of 2021

(Through Video Conference)

M.Kannan

...Petitioner

Vs.

- 1) The District Collector,
Sivagangai District.
- 2) The District Revenue Officer,
Sivagangai, Sivagangai District.
- 3) The Revenue Divisional Officer,
Devakottai, Sivagangai District.
- 4) The Tahsildar,
Karaikudi Taluk,
Sivagangai.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein, more particularly the 4th respondent herein to issue patta for 14 cents out of 1.88 acres in Survey No.78/2, Kothari Group, Karaikudi Taluk, Sivagangai District, as per sale deed dated 17.06.1978 vide Doc.No.178 of 1978 and judgment and decree dated 10.4.1987 declaring title and permanent injunction in favour of petitioner's mother in O.S.No.169/1986 on the file of District Munsif Court, Devakottai and attained finality in IA.No.175/1995 in the appeal suit on the file of Sub Court, Devakottai dated 10.11.1995 and in accordance with law.

For Petitioner : Mr.S.Srinivasa Raghavan

For Respondents : Mr.K.P.Narayanakumar,
Special Government Pleader

O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus directing the fourth respondent to issue Patta in the name of the petitioner in line with the title documents and also the judgment and decree passed in O.S.No.169 of 1986 and also the order passed in I.A. No.175 of 1995.

2. The case of the petitioner is that the subject property was originally purchased by the mother of the petitioner by virtue of a registered sale deed dated 17.06.1978. The State started claiming



right over the said property and hence, the mother of the petitioner filed a suit in O.S.No.169 of 1986 before the District Munsif Court, Devakottai seeking for the relief of declaration of title and permanent injunction. The suit was contested and it was decreed by a judgment and decree dated 10.04.1987. This decree was challenged after an inordinate delay of eight years in the year 1995 before the Sub Court, Devakottai and the interlocutory application seeking for condonation of delay was also dismissed in the year 1995.

3. The further case of the petitioner is that his mother died on 06.10.2005 and thereafter, the property was inherited by all the legal heirs. The petitioner made an application before the respondents, in particular the fourth respondent, seeking for issuance of Patta in the name of the legal heirs. Since there was no progress in considering the application, the present writ petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.S.Srinivasa Raghavan, learned counsel for the petitioner and Mr.K.P.Narayanakumar, learned Special Government Pleader appearing for the respondents.

5. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the fourth respondent to consider the representation made by the petitioner on 02.03.2021 and deal with the same on its own merits and in accordance with law and pass orders within a period of eight(08) weeks from the date of receipt of a copy of this order.

6. If the fourth respondent finds that there is any other interested party claiming right over the subject property, they shall also be issued with notice, for the purpose of raising objections, if any.

7. The petitioner is directed to make a fresh representation to the fourth respondent alongwith all the relevant documents and also a copy of this order.

8. This Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To:

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- 4) The Tahsildar,
Karaikudi Taluk,
Sivagangai.

+1 CC to M/s.SPL GP (SR-16766[F] dated 20/04/2021)

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-16343[F] dated 19/04/2021)

Order made in
W.P.(MD) No.8021 of 2021
Dated:19.04.2021

KE(04.05.2021) 3P 7C