



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10367 of 2021

Chinnachamy

...Petitioner

Vs.

1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

2.The District Revenue Officer,
Tiruchirappalli District,
Tiruchirappalli.

3.The Revenue Divisional Officer,
Musiri Revenue District,
Musiri, Tiruchirappalli District.

4.The Thasildar,
Musiri Taluk,
Tiruchirappalli District.

5.C.Saravanan,
S/o. Chinnayan, 39/1,
Sunnambu Kaalvaai Street,
opposite to L.G.Hospital,
Thaathayangaarpettai Road,
Musiri Town, Musiri,
Tiruchirappallai District,

... Respondents

(Respondent No.5 *suo motu* impleaded as fifth respondent vide order of this Court dated 21.06.2021 made in W.P.(MD).No.10367 of 2021)

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's application dated 29.03.2021 seeking for mutation of patta in his name in respect of the lands to an extent of about 0.56 cents comprised in S.F.No.474/3B in Musiri Village and Taluk, Tiruchirappalli District, within a specified time as may be fixed by this Court.



For Petitioner

: Ms.E.Kasthuri

For Respondents

: Mr.M.Lingadurai
Government Advocate

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ORDER

Mr.C.Saravanan, S/o. Chinnayan, 39/1, Sunnambu Kaalvaai Street, opposite to L.G.Hospital, Thaathayangaarpettai Road, Musiri Town, Musiri, Tiruchirappallai District, is *suo motu* impleaded as fifth respondent in this Writ Petition.

2. This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to consider the application submitted by the petitioner on 29.03.2021, wherein, the petitioner is seeking for the mutation of patta in his name with respect to the subject property.

3. The case of the petitioner is that the subject property was originally owned by the grandfather of the petitioner. He died intestate leaving behind the father of the petitioner and his brother. The further case of the petitioner is that his uncle, namely, the brother of the father, died issueless and thereby, the father of the petitioner had inherited the property absolutely. After the demise of the father of the petitioner, the subject property along with the other properties was partitioned among the petitioner and his brother through a registered partition deed. As per the partition, the subject property was allotted to the petitioner and he is in possession and enjoyment of the same.

4. It is stated that the impleaded fifth respondent claimed right over the property and the petitioner therefore filed a suit in O.S.No.719 of 2011, on the file of the I Additional Sub Court, Trichirappalli, seeking for the relief of declaration and for permanent injunction. The suit was decreed as prayed for by Judgment and Decree dated 30.08.2018. The learned counsel for the petitioner submitted that this decree has become final and no appeal was preferred by any one of the defendants in the said suit. A statement to that effect has been made in the affidavit filed in support of the Writ Petition.

5. Pursuant to the above decree, the petitioner made an application before the respondents on 29.03.2021 seeking for mutation of patta in his name. Since the same was not acted upon, the present Writ Petition has been filed before this Court seeking for appropriate directions.

6. Heard Ms.E.Kasthuri, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents.



7. Taking into consideration the facts and circumstances of the case and also of the fact that a decree has been passed in favour of the petitioner and this decree is said to have become final, there shall be a direction to the fourth respondent to consider the representation / application made by the petitioner on 29.03.2021 after affording opportunity to the petitioner and the impleaded fifth respondent. If the decree passed in the suit in O.S.No.719 of 2011 has become final, the fourth respondent shall act upon the same and pass appropriate orders within a period of six (06) weeks from the date of receipt of a copy of this order.

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

9. This Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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.

To

1.The District Collector,
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Tiruchirappalli District, Tiruchirappalli.

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Musiri, Tiruchirappalli District.

4.The Thasildar,
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Musiri Town, Musiri,
Tiruchirappallai District,

+1 CC to M/s.SPL GP (SR-19905[F] dated 22/06/2021)

Order made in
W.P. (MD) .No.10367 of 2021
Dated: **21.06.2021**

NA (CO)
TR(29.06.2021) 4P 7C