



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.06.2021**

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10675 of 2021

M.James

... Petitioner

Vs.

1.The District Collector,
Tiruchirapalli District,
Collectorate Buildings,
Tiruchirapalli - 620 001.

2.The Tahsildhar,
Manapparai,
Tahsildhar's Office, Manapparai,
Trichirappalli District.

3.The Revenue Divisional Officer,
Srirangam Zone,
Muthukulam,
Trichirappalli District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents 1 to 3 to initiate appropriate enquiry upon the representation/application of the petitioner and to include his name as joint pattadhar in respect of the property measuring to an extent of Ac.4.66 cents, situated in survey number 405/1 of Nallampillai Village, Manapparai Taluk, Trichirappalli District, within the time frame to be fixed by this Court.

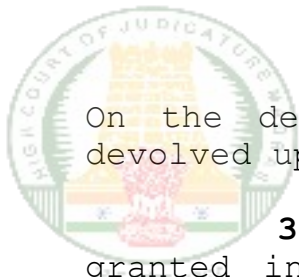
For Petitioner : Mr.K.S.Kathiravan

For Respondents : Mr.M.Lingadurai,
Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to consider the representation / application given by the petitioner on 24.04.2019, wherein, the petitioner has sought for including his name as joint pattadhar with respect to the subject property.

2. The case of the petitioner is that the subject property originally belonged to his grandfather. His grandfather died leaving behind three sons and one of the son, namely, Soosai Udaiyar, is the father of the petitioner. The further case of the petitioner is that there was a family arrangement between the parties and 1/3rd share was allotted in favour of the petitioner.



On the demise of the father of the petitioner, the 1/3rd share devolved upon the petitioner and other legal heirs.

3. The grievance of the petitioner is that patta has been granted in favour of the legal heirs of the other two brothers without adding the name of the petitioner and his brothers in Patta No.1701.

4. The petitioner made a representation in this regard on 05.07.2016. On receipt of the same, a notice was issued by the second respondent on 18.01.2017 to the petitioner. It is stated that the petitioner and other sharers attended the enquiry before the second respondent along with all the relevant documents and other sharers have given no objection to include the name of the petitioner in the joint patta. In spite of the same, the second respondent has not passed any orders including the name of the petitioner. Aggrieved by the same, the present Writ Petition has been filed before this Court seeking for appropriate directions.

5. Heard Mr.K.S.Kathiravan, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents.

6. 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 second respondent to take a decision with regard to adding the name of the petitioner and his brothers in the joint patta within a period of six (6) weeks from the date of receipt of a copy of this order. The second respondent shall issue notice to the other interested parties and give them opportunity before passing the final orders.

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

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

Sd/-

Assistant Registrar(CS-)

// 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,
Tiruchirapalli District,
Collectorate Buildings,
Tiruchirapalli - 620 001.
- 2.The Tahsildhar,
Manapparai,
Tahsildhar's Office, Manapparai,
Trichirappalli District.
- 3.The Revenue Divisional Officer,
Srirangam Zone,
Muthukulam,
Trichirappalli District.

+1 CC to M/s.K.S.KATHIRAVAN, Advocate SR-20394[F] dated 28/06/2021
+1 CC to M/s.SPL GP (SR-20686[F] dated 30/06/2021)

Order made in
W.P. (MD) .No.10675 of 2021
Dated :28.06.2021

ARK(CO)
TR(05.07.2021) 3P 6C