



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2021

CORAM:

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) .No.13965 of 2021

WEB COPY

L.P.Ramasubramanian

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Collectorate Buildings,
Madurai - 20.

2. The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Madurai - 20.

3. The Tahsildar,
Madurai East Taluk,
Madurai 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 issue a joint patta in the name of the petitioner for the land comprised in S.Nos.32/4A1A and 32/2A1 situated in Khadakinaru, Madurai East Taluk, Madurai District, considering the petitioner's representation dated 21.09.2020.

For Petitioner

: Mr.V.Nagendran

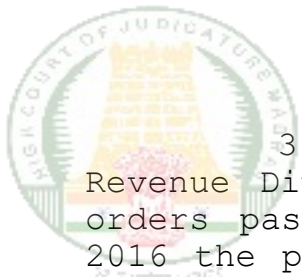
For Respondents

: Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks a direction for the issuance of joint patta in his name in respect of the land comprised in Survey Nos.32/4A1A and 32/2A1 at Khadakinaru, Madurai East Taluk, Madurai District.

2.The petitioner traces title to the aforesaid lands from his father and claims that his father purchased such lands in a court auction sale in E.P.No.94 of 1955. After the death of his father, it is stated that a dispute ensued between the petitioner and his brother L.P.Muthuraman and that the petitioner succeeded in such proceedings which culminated in the judgment and decree in S.A.No.1571 of 1988.



3. Thereafter, the petitioner filed a petition before the Revenue Divisional Officer seeking a separate patta. Pursuant to orders passed in an earlier writ petition in W.P.(MD) No.3192 of 2016 the petitioner's request for a separate patta was rejected on the ground that the property had been sub-divided into plots and that there was no documentary evidence to establish the petitioner's share therein. Upon such refusal, the petitioner submitted a representation dated 21.09.2020 for issuance of a joint patta and, on account of the failure of the Tahsildar to initiate action in respect thereof, has approached this Court.

4. Mr. P. Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the representation may be considered and disposed of on merits.

5. The documents enclosed with the writ petition and, in particular the order of the Tahsildar dated 05.08.2016 sets out the reason for refusing to issue a mutated patta in the petitioner's name. The principal reason cited is the division of the property into house sites and the execution of conveyances in favour of different persons. Therefore, a positive direction cannot be issued for grant of a joint patta to the petitioner. Nonetheless, the Tahsildar may consider the petitioner's representation and dispose of the same in accordance with law.

6. Accordingly, without going into the merits of the matter, the third respondent is directed to consider the petitioner's representation dated 21.09.2020 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner and all others who would be affected by such decision. Such reasoned order shall be passed within a period of three months from the date of receipt of a copy of this order. W.P.(MD) No.13965 of 2021 is disposed of on these terms without any order as to cost.

Sd/-

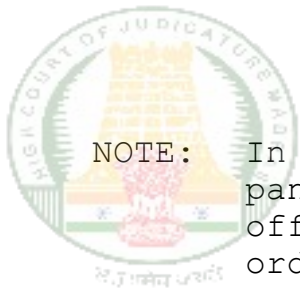
Assistant Registrar (AS)

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/ /2021

Sub Assistant Registrar (CS)

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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

- 1.The District Collector,
Madurai District,
Collectorate Buildings,
Madurai - 20.
2. The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Madurai - 20.
3. The Tahsildar,
Madurai East Taluk,
Madurai District.

+1 CC to M/s.V.NAGENDRAN, Advocate (SR-25952[F] dated 11/08/2021)

+1 CC to M/s.GP (SR-26046[F] dated 12/08/2021)

W.P. (MD) .No.13965 of 2021
11.08.2021

RD(19.08.2021) 3P 6C