



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2021

CORAM

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.14416 of 2021

G.Prabaharan

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Aruppukkottai Division,
Virudhunagar District.

3.The Tahsildar,
Kariyapatti Taluk,
Virudhunagar District.

4.Nachi Thevar,

5.Karuppa Thevan

6.Venkatesan

... Respondents

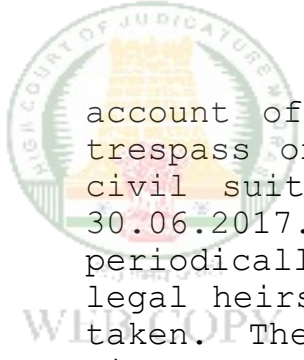
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to issue joint patta including the names of legal heirs of N.Ganesan, for the property situated in Survey No.94/1, Aviyoor Village, Kariyapatti Taluk, Virudhunagar District within the time stipulated by this Court.

For Petitioner : Mr.V.Sasi Kumar
For Respondents : Mr.P.Subharaj
: Counsel for State
for R1 to R3

O R D E R

The petitioner seeks a joint patta in the names of the legal heirs of his late father N.Ganesan, in respect of the property bearing Survey No.94/1, Aviyoor Village, Kariyapatti Taluk, Virudhunagar District.

2. The petitioner asserts that his father purchased 65 cents in the aforesaid survey number under a registered sale deed dated 30.03.1983, bearing document No.368/1983 on the file of the Sub Registrar Kariyapatti. Upon expiry of his father on 08.09.2000 it is stated that the petitioner and his siblings are the legal heirs. On



account of the fact that respondents 4 to 6 herein attempted to trespass on the property, the petitioner and his siblings filed a civil suit in O.S.No.128 of 2010. The said suit was decreed on 30.06.2017. Thereafter, in spite of approaching the third respondent periodically for the grant of a joint patta in the names of the legal heirs of late N.Ganesan, it is stated that no action has been taken. The present writ petition is filed in these facts and circumstances.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the respondents 1 to 3. He submits that the representation of the petitioner may be considered and disposed of after putting the private respondents herein on notice.

4. The petitioner has enclosed the registered sale deed in his father's name. The judgment and decree in O.S.No.128/2010 has also been enclosed. Although the petitioner asserts that such judgment and decree has become final, the private respondents herein would have to be put on notice so as to determine conclusively whether such civil suit has attained finality. However, it is not necessary to determine such aspects in these proceedings and it may be left open to the Thasildar to do so during the course of inquiry.

5. Accordingly, without going into the merits of the matter, the third respondent herein is directed to consider the petitioner's representation dated 08.03.2021 seeking a joint patta. Such representation shall be considered and disposed of by a reasoned order after providing a reasonable opportunity to the petitioner and to respondents 4, 5 and 6 herein. Such reasoned order shall be passed within a period of three months from the date of receipt of a copy of this order.

6. W.P.(MD).No.14416 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbm

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Revenue Divisional Officer,
Aruppukkottai Division,
Virudhunagar District.

3.The Tahsildar,
Kariyapatti Taluk, Virudhunagar District.

+1 CC to M/s.V.SASIKUMAR, Advocate (SR-26572[F] dated 17/08/2021)

+1 CC to M/s.GP (SR-26493[F] dated 17/08/2021)

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RD(25.08.2021) 3P 6C