



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P (MD)No.14908 of 2021

and

W.M.P. (MD) .No.11804 of 2021

WEB COPY

R.Rajesh

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District, Virudhunagar.
- 2.The District Revenue Officer,
Virudhunagar District, Virudhunagar.
- 3.The Revenue Divisional Officer,
Saathur, Virudhunagar District.
- 4.The Tahsildar,
Vempakkottai Taluk, Virudhunagar District.
- 5.The Block Development Officer,
Vempakkottai Block,
Virudhunagar District.
- 6.The Panchayat President,
E.Ramanadhapuram Panchayath,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to issue patta in the petitioner's favour in respect of the land comprised in Survey No.157/2, situated at E.Ramanadhapuram Village, Vempakkottai Taluk, Virudhunagar District, thereon based on the petitioner's representation dated 03.02.2020 within a stipulated time.

For Petitioner : Mr.C.Prabakaran
For Respondents : Mr.R.Baskaran,
Counsel for State for R-1 to R-4
: Mr.R.Subbaraj
Counsel for State for R-5
: Mr.Joseph Jerry
Intervenor



ORDER

The petitioner seeks a patta in respect of the land bearing Survey No.157/2 situated at E.Ramanadhapuram Village, Vempakottai Taluk, Virudhunagar District.

2. The petitioner traces title to the aforesaid property through the Will executed by his grandmother. The petitioner states that the aforesaid Will came into operation on the death of his grandmother on 06.11.1996. As legatees under the Will, it is stated that the petitioner's father and one Ramakrishnan were in joint possession and enjoyment of the property. Thereafter, both the legatees died and their legal heirs succeeded to the estate. On this basis, the petitioner submitted an application for the grant of a patta on 03.02.2020. The present Writ Petition is filed on the basis that such representation was not acted upon.

3. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of respondents 1 to 4 and Mr.R.Subbaraj, learned counsel for the State, accepts notice on behalf of the fifth respondent.

4. An intervenor endeavoured to raise objections in respect of the present petition and also requested permission to file an impleading petition. In view of the nature of the order proposed to be passed, such request is denied.

5. The petitioner claims title to the property on the basis of a Will dated 18.09.1986. A copy of such Will is enclosed. The petitioner has also produced the Death Certificate of his father and the Legal Heirship Certificate. Therefore, the petitioner has made out a case for the consideration of his representation. However, the fourth respondent herein is under an obligation to consider all objections with regard to the grant of patta before taking a reasoned decision in such matter.

6. Accordingly, without going into the merits of the matter, the fourth respondent herein is directed to consider the petitioner's representation dated 03.02.2020 for the grant of a patta after providing a reasonable opportunity to the petitioner and any other person who either claims to have an interest in the property or has objections with regard to the grant of patta in respect thereof. Such reasoned order shall be passed within a period of three (3) months from the date of receipt of a copy of this order.



terms without any order as to costs. Consequently, W.M.P.(MD).
No.11804 of 2021 is closed.

Sd/-

Assistant Registrar (CS I)

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// 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,
Virudhunagar District, Virudhunagar.

2.The District Revenue Officer,
Virudhunagar District, Virudhunagar.

3.The Revenue Divisional Officer,
Saathur, Virudhunagar District.

4.The Tahsildar,
Vempakkottai Taluk, Virudhunagar District.

5.The Block Development Officer,
Vempakkottai Block,
Virudhunagar District.

+1 CC to M/s.C.PRABAKARAN, Advocate (SR-27331[F] dated 25/08/2021)

+1 CC to M/s.SPL GP (SR-27197[F] dated 25/08/2021)

W.P (MD) No.14908 of 2021
24.08.2021

PS (CO)
SB(02.09.2021) 3P 8C