



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.16276 of 2021

WEB COPY

P.Virumandi

... Petitioner

Vs.

1. The Tahsildar,
Vadipatti Taluk Office,
Vadipatti, Madurai District.

2. Taluk Surveyor,
Vadipatti Taluk Office,
Vadipatti, Madurai District.

3. Jeyakannan

4. Selvarani

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent herein to issue patta in respect of the petitioner's landed property to an extent of 6900 Sq.Ft. Comprised in Survey No.290/2-C situated at vadakattupatti Utkadai, Mullapallam Village, Vadipatti Taluk, Madurai District on the basis of his application dated 03.08.2021 by providing opportunity to the third and fourth respondents herein within the time stipulated by this Court and other reliefs.

For Petitioner : Mr.J.Lawrance

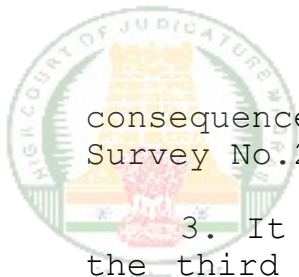
For Respondents : Mr.P.Subbaraj,

Counsel for State for R1 and R2

O R D E R

The petitioner seeks a direction for the issuance of patta to him in respect of a property of an extent of 6900 Sq.Ft. in Survey No.290/2-C, at Vadakattupatti Utkadai, Mullapallam Village, Vadipatti Taluk, Madurai District.

2. The petitioner states that he purchased a property of an extent of 4586 Sq.Ft. in Survey No.290/2B under a registered sale deed dated 25.02.2009, bearing Document No.398 of 2009. The third and fourth respondents herein purchased the property in Survey No.290/2C of an extent of 6900 Sq.Ft. The petitioner, on the one hand, and the third and fourth respondents, on the other, executed a deed of exchange on 07.10.2009 bearing Document No.2254 of 2009 by which they exchanged the properties described above. As a



consequence, the petitioner became the owner of the property in Survey No.290/2C.

3. It appears that a suit was filed by one N.Rameswari against the third and fourth respondents in O.S.No.143 of 2010 before the III Additional Sub-Court, Madurai. The petitioner states that such suit was dismissed on 18.08.2015 for non-prosecution. Pursuant to the dismissal of the suit, the petitioner applied for issuance of a patta and has filed the present writ petition after submitting an application dated 03.08.2021.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 and 2. He submits that the petitioner's application may be directed to be considered and disposed of on merits after putting all the affected parties on notice.

5. From the facts set out above, it appears that one N.Rameswari had filed O.S.No.143 of 2010. Although the petitioner contends that such suit was dismissed on 18.08.2015 for non-prosecution, it should be ascertained as to whether any action was taken by the plaintiff therein for restoration thereof. In view of the fact that the relevant property in respect of which a patta is requested for was subject matter of an exchange between the petitioner and respondents 3 and 4 herein, it would be necessary to put the said respondents on notice before the petitioner's application for patta is decided.

6. Accordingly, without going into the merits of the matter, the first respondent herein is directed to consider the petitioner's application dated 03.08.2021 for grant of patta and pass a reasoned order thereon after providing a reasonable opportunity to the petitioner and to respondents 3 and 4 herein. Such reasoned order shall be issued within a period of three months from the date of receipt of a copy of this order.

7. W.P(MD).No.16276 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn



To

1. The Tahsildar,
Vadipatti Taluk Office,
Vadipatti, Madurai District.

2. Taluk Surveyor,
Vadipatti Taluk Office,
Vadipatti, Madurai District.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-28971[F] dated 14/09/2021)

+1 CC to M/s.SPL. GP (SR-28942[F] dated 14/09/2021)

W.P. (MD) No.16276 of 2021

13.09.2021

RD(22.09.2021) 3P 5C