



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.16336 of 2021

S. Beemaraj

... Petitioner

Vs.

The Tahsildar,
Vembakottai Taluk,
Virudhunagar District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to mutate the patta in my name on respect of the comprised in Survey Nos.165/2, 246/1, 246/2, 247, 248/1, 248/2, 266 measuring to an extent of 0.36.00 hectare ,0.28.50 hectare, 0.14.50 hectare, 0.45.00 hectare, 0.56.50 hectare, 0.8.00 hectare, 0.88.50 hectare respectively situated at Sankarapandiapuram Village, Vembakottai Taluk, Virudhunagar District by considering his representation dated 15.08.2019 and reminder dated 03.09.2021.

For Petitioner : Mr.T.Lenin Kumar
For Respondents : Mr.P.Subbaraj
Counsel for the State

ORDER

The petitioner seeks a mutation of patta in his name in respect of several survey numbers at Sankarapandiapuram Village, Vembakottai Taluk, Virudhunagar District as indicated in the writ petition.

2. The petitioner states that his father inherited properties from the petitioner's grand father. A patta was issued to his father with regard to his properties under patta No.224. Subsequently, his sisters instituted a suit for partition against the petitioner in O.S.No.130 of 2004 on the file of the District Munsif, Sattur. Such suit was dismissed by judgment and decree dated 30.06.2015. According to the petitioner, no appeal was filed against the judgment and decree dated 30.06.2015

3. Subsequently, on 15.08.2019, the petitioner applied for the issuance of a patta in his name. The present writ petition is filed for the expeditious disposal thereof.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice for the sole respondent. He submits that the Thasildar may be directed to consider and dispose of the petitioner's application for patta on merits.



5. The petitioner has enclosed a copy of patta No.224. The said patta has been issued in the name of Samy Naicker, who is said to be the petitioner's father. The said patta is in respect of the survey numbers indicated in the writ petition. The petitioner has also enclosed a copy of the judgment and decree dated 30.06.2015 in O.S.No. 130 of 2004. Although the petitioner states that no appeal was filed against such judgment and decree, the other parties to such partition suit should be put on notice before a decision is taken on the petitioner's application so as to ascertain the correct facts relating to the current status of the litigation.

6. In these facts and circumstances, without going into the merits of the matter, the respondent is directed to consider and dispose of the petitioner's application for patta dated 15.08.2019 and reminder dated 03.09.2021 and issue a reasoned order thereon after providing a reasonable opportunity to the petitioner and the other legal heirs of the late Mr.Samy Naicker. 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.16336 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn/sn

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

The Tahsildar,
Vembakottai Taluk,
Virudhunagar District.

+1 CC to M/s.SPL. GP (SR-29097[F] dated 15/09/2021)

W.P(MD).No.16336 of 2021

14.09.2021

RD(24.09.2021) 2P 3C