



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.16632 of 2021

K.Ramanathan

... Petitioner

Vs.

1.The District Collector,
Pudukkottai
Pudukkottai District.

2.The Tahsildar,
Thirumayam Taluk,
Pudukkottai 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 second respondent to issue Patta in favour of the petitioner and other legal heirs of PR.P. Periyakaruppan Chettiar and Ramanathan Chettiar in tune with the decree and judgment passed by the learned Subordinate Court, Pudukkottai in O.S.No.228 of 1995 dated 16.12.1998 which was confirmed by this Hon'ble Court in S.A.(MD).No.391 of 2015 dated 21.01.2020 by considering the petitioner's representations dated 10.03.2020 and 01.09.2021 within a stipulated time.

For Petitioner : Mr.R. Karunanidhi
For Respondents : Mr.P.Subbaraj
Counsel for State.

ORDER

The petitioner seeks a direction to the second respondent for issuance of patta in favour of the petitioner and the other legal heirs of PR.P.Periyakaruppan Chettiar and Ramanathan Chettiar in accordance with the judgment and decree of the Subordinate Court, Pudukkottai in O.S.No.228 of 1995 dated 16.12.1998 which was affirmed in S.A.(MD).No:391 of 2015 dated 21.01.2020.

2. The petitioner traces title to the property bearing old Survey No.727/B of an extent of 15 Acres through his grandfather, namely, Ramanathan Chettiar and his granduncle, namely, PR.P.Periyakaruppan Chettiar. It is stated that the above mentioned persons purchased the relevant property under sale deed dated 19.05.1941 bearing Document No.429/1941. The petitioner states that Survey No.727/2B was subsequently subdivided into several survey numbers. Thereafter, it is alleged that Survey No.727 was wrongly transferred in the name of R.M.Karuppiyah under Patta No.2067 and S.F.No.992 was wrongly transferred in the name of Sheik Dawood and



Karuppiah under Patta No.540 issued during the transition to the UDR scheme. In these circumstances, the petitioner states that the second respondent was approached on 30.07.1995 for cancellation of the above mentioned pattas and to instead issue pattas in the names of the legal heirs of Periakaruppan Chettiar and Ramanathan Chettiar. On account of the failure to take action thereon, it is stated that O.S.No.228 of 1995 was filed. Such suit was decreed in favour of the plaintiffs therein, including the petitioner, on 16.12.1998. The appeal suit filed by the defendants was allowed by the judgment and decree dated 07.03.2014. Therefore, the petitioner and the other plaintiffs filed S.A.(MD).No.391 of 2015. Such Second Appeal was allowed on 21.01.2021. The petitioner asserts that no Special Leave Petition has been preferred to the Supreme Court to his knowledge. The present Writ Petition is filed in these facts and circumstances pursuant to representations dated 10.03.2020 and 01.09.2021.

3. Mr.P.Subbaraj, learned Counsel for the State, accepts notice on behalf of both the respondents. He submits that the respondents in the Second Appeal should be put on notice so as to ascertain whether they have assailed the order in the Second Appeal before the Supreme Court.

4. The petitioner has enclosed a copy of the registered sale deed dated 19.05.1941 in favour of his grandfather and granduncle. The judgment and decree in the original suit, Appeal Suit and Second Appeal are enclosed. On such basis, the petitioner is entitled to the consideration of the representation. However, as correctly pointed out by learned Counsel for the State, it is just and necessary that the respondents in the Second Appeal be heard before a decision is taken on the petitioner's representation.

5. Accordingly, without entering any findings on the merits of the dispute, the second respondent herein is directed to consider the petitioner's representation dated 01.09.2021 and issue a reasoned order thereon after providing a reasonable opportunity to the petitioner and the private respondents in S.A.(MD).No.391 of 2015. Such reasoned order shall be issued within a period of three (3) months from the date of receipt of a copy of this order.

6. W.P.(MD).No.16632 of 2021 is disposed of on these terms without any order as to costs.

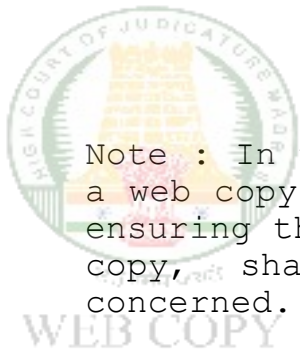
Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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,
Pudukkottai
Pudukkottai District.

2.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.

+1 CC to M/s.SPL. GP (SR-29574[F] dated 20/09/2021)

W.P (MD) No.16632 of 2021
17.09.2021

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