



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.16832 of 2021

N.Haris

... Petitioner

Vs.

1.The District Collector,
O/o.The District Collector,
Virudhunagar,
Virudhunagar District.

2.The Tahsildar,
O/o.Tahsildar Office,
Vembakkottai Taluk,
Virudhunagar District.

3.Jeyamani

... 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 for the property in Survey No.1061/1B2 vide registered document in R/262/1/1049/2021/17.03.2021 from the existing Patta No.9454 situated at Keelarajagularaman Village, Vembakkottai Taluk, Virudhunagar District by considering the petitioner's online representation dated 23.08.2021 within stipulated time frame fixed by this Hon'ble Court.

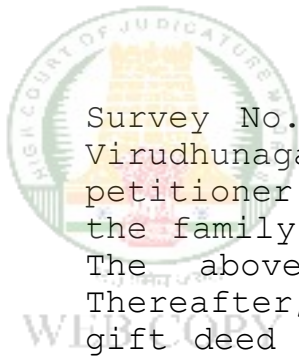
For Petitioner : Mr.S.Vanchinathan

For R1 and R2 : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks the issuance of a patta in respect of the property bearing Survey No.1061/1B2 on the basis of his representation dated 23.08.2021.

2. The petitioner traces title to the property bearing



Survey No.1061/1B2, Keelarajagularaman Village, Vembakottai Taluk, Virudhunagar District on the basis of a partition deed. The petitioner states that his father, uncle and grandmother had divided the family properties equally on the basis of an unregistered Will. The above mentioned partition deed was subsequent thereto. Thereafter, it is stated that the petitioner's father executed a gift deed in favour of the petitioner on 17.03.2021. By such gift deed, it is stated that the property mentioned as the fifth item in the second schedule was allotted to the petitioner. The petitioner also cites a patta issued in the name of his father.

3. The petitioner states that he resides in Madurai and that the third respondent took advantage thereof and attempted to encroach upon the property. The present Writ Petition is filed on account of the alleged failure of the Tahsildar to act on the representation dated 23.08.2021.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the first and second respondents. He submits that the petitioner's representation seeking issuance of a patta may be considered and disposed of after providing a reasonable opportunity to the third respondent.

5. The petitioner has enclosed a copy of the gift deed dated 17.03.2021 and Patta No.9454 in favour of Narayanasamy, who is said to be the petitioner's father. The said patta is in respect of Survey Nos.1060/1B1, 1093/2B2 and 1061/1B2. By the present Writ Petition, the petitioner seeks a mutation of patta as regards Survey No.1061/1B2. However, the petitioner has not enclosed a copy of the unregistered Will executed by his grandfather, the late Venkatachala Naicker. He has also not enclosed a copy of the alleged partition. It is possible that such documents have been submitted to the Tahsildar. In any event, these are aspects that should be examined by the Tahsildar. The third respondent appears to be the owner of an adjoining property. As such, it is just and necessary to put him on notice before a decision is taken with regard to the petitioner's application for a patta.

6. Accordingly, without going into the merits of the matter, the second respondent herein is directed to consider the petitioner's application for grant of patta in respect of the land bearing Survey No.1061/1B2. Such application shall be considered and disposed of by a reasoned order within a period of three (3) months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner and to the third respondent. In view of the fact that the merits of the matter have not been examined and because the second respondent has been directed to hear the third respondent before passing orders, the Writ Petition is disposed of without notice to the private respondent.



7. W.P.(MD).No.16832 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (T&P)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RM/LM

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,
O/o.The District Collector,
Virudhunagar,
Virudhunagar District.

2.The Tahsildar,
O/o.Tahsildar Office,
Vembakkottai Taluk,
Virudhunagar District.

+1 CC to M/s.SPL.GP (SR-29864[F] dated 22/09/2021)

W.P(MD)No.16832 of 2021
21.09.2021

RD(4.10.2021) 3P 4C