



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).Nos.17105, 17106 and 17107 of 2021

WEB COPY

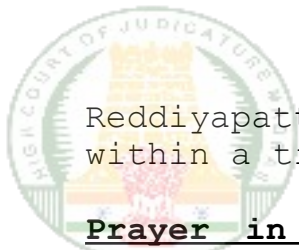
- 1.N.Raja Muthuramalingam : Petitioner in W.P.(MD)No.17105 of 2021
2.K.Neelakandan : Petitioner in W.P.(MD)No.17106 of 2021
3.K.Chellapandiyan : Petitioner in W.P.(MD)No.17107 of 2021

Vs.

- 1.The District Collector,
Collectorate,
Tirunelveli District.
2.The District Revenue Officer,
District Revenue Office,
Tirunelveli District.
3.The Tahsildar,
Tahsildar Office,
Palayamkottai Taluk,
Tirunelveli District. : Respondents in all petitions

Prayer in W.P.(MD)No.17105 of 2021 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent herein to consider petitioner's representation dated 24.08.2021 and an e-application vide Applications No.2020/0105/29/122335, dated 27.02.2020 and issue separate patta in pursuant to the decree dated 14.06.2006 passed in Appeal Suit in A.S.No.71 of 2006 on the file of the Principal Sub-Court, Tirunelveli and settlement deed dated 27.02.2014 with respect to the land in Survey No.189/1A1 to an extent of 2 acres 25 cents in Reddiyapatti Village, Palayamkottai Taluk, Tirunelveli District within a time stipulated by this Court.

Prayer in W.P.(MD)No.17106 of 2021 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent herein to consider petitioner's representation dated 01.07.2021 and an e-application vide Applications No.2020/0105/29/122343, dated 27.02.2020 and issue separate patta in pursuant to the decree dated 14.06.2006 passed in Appeal Suit in A.S.No.71 of 2006 on the file of the Principal Sub-Court, Tirunelveli and settlement deed dated 27.02.2014 with respect to the land in Survey No.189/1A1 to an extent of 1 acre 12 ½ cents in



Reddiyapatti Village, Palayamkottai Taluk, Tirunelveli District within a time stipulated by this Court.

Prayer in W.P.(MD)No.17107 of 2021 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent herein to consider petitioner's representation dated 01.07.2021 and an e-application vide Applications No.2020/0105/29/122329, dated 27.02.2020 and issue separate patta in pursuant to the decree dated 14.06.2006 passed in Appeal Suit in A.S.No.71 of 2006 on the file of the Principal Sub-Court, Tirunelveli and settlement deed dated 27.02.2014 with respect to the land in Survey No.189/1A1 to an extent of 1 acre 12 ½ cents in Reddiyapatti Village, Palayamkottai Taluk, Tirunelveli District within a time stipulated by this Court.

For Petitioner
(in all petitions) : Mr.D.Nallathambi
for Mr.V.Meenakshisundaram

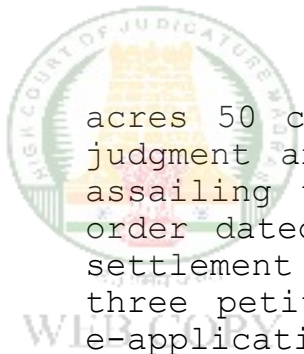
For Respondents
(in all petitions) : Mr.P.Subbaraj
Counsel for State

COMMON ORDER

These three writ petitions are filed seeking issuance of a separate patta to the respective petitioner pursuant to the decree dated 14.06.2006 in A.S.No.71 of 2006 on the file of the Principal Sub Court, Tirunelveli and the subsequent settlement deed dated 27.02.2014 in respect of the land bearing S.No.189/1A1 of an extent of 2 acres 25 cents, 1 acre 12 ½ cents and 1 acre 12 ½ cents, respectively, in Reddiyapatti Village, Palayamkottai Taluk, Tirunelveli District.

2.The respective petitioner traces title to the land bearing new Survey No.189/1A (old Survey No.363) of an extent of 4 acres 50 cents to one Alwar Reddiyar. Pursuant to multiple transactions thereafter, it is stated that the property was purchased by the father of the petitioner in W.P.(MD).No.17105 of 2021, K.Neelakanda Thevar from one Saraswathi Ammal.

3.The petitioner states that there was a dispute between the petitioner's father and one Raja Gopal Reddiyar. Such dispute was carried through multiple appeals. Eventually, the Special Commissioner, Land Administration, Chennai by proceedings dated 15.09.2003, directed the parties to approach the appropriate civil court. Pursuant thereto, O.S.No.769 of 2004 was filed by K.Neelakanda Thevar on the file of the Principal Sub Court, Tirunelveli. Such suit was for the relief of declaration and consequential injunction in respect of the property admeasuring 4



acres 50 cents in New Survey No.189/1A. The suit was dismissed by judgment and decree dated 27.02.2006. A.S.No.71 of 2006 was filed assailing the judgment and decree. The appeal suit was allowed by order dated 14.06.2006. Pursuant thereto, it is stated that three settlement deeds were executed by Neelakanda Thevar in favour of the three petitioners herein. Thereafter, the petitioners submitted an e-application dated 27.02.2020 seeking separate pattas and also submitted a representation dated 24.08.2021 before approaching this Court.

4.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the parties to A.S.No.71 of 2006 should be put on notice, since it is possible that one of the parties, including the State, may have filed an appeal against the judgment and decree in A.S.No.71 of 2006. On the other hand, learned counsel for the respective petitioner submits that it is categorically averred in paragraph 7 of the respective affidavits that the decree in A.S.No.71 of 2006 has attained finality. This aspect should be examined while taking a decision on the application of the respective petitioner for issuance of a separate patta. The other aspect is that the total extent of the property in S.No.189/1A is 4 acres and 50 cents. Therefore, a subdivision would be required if separate pattas are to be issued.

5.Subject to the above observations but without entering any findings on the merits of the matter, the third respondent is directed to consider the three e-applications submitted by the respective petitioner each dated 27.02.2020 and act on such applications within a period of three months from the date of receipt of a copy of this order by taking into account the decree dated 14.06.2006 in A.S.No.71 of 2006. Before taking a decision, the third respondent shall provide a reasonable opportunity to the respective petitioner as well as the parties to A.S.No.71 of 2006 so as to ascertain whether an appeal was filed against the decree in the appeal suit and, if so, the outcome thereof.

6.W.P.(MD)Nos.17105, 17106 and 17107 of 2021 are disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sjj

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,
Collectorate,
Tirunelveli District.

2.The District Revenue Officer,
District Revenue Office,
Tirunelveli District.

3.The Tahsildar,
Tahsildar Office,
Palayamkottai Taluk,
Tirunelveli District.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-30186[F] dated
24/09/2021)

+1 CC to M/s.SPL. GP (SR-30124[F] dated 24/09/2021)

W.P(MD).Nos.17105, 17106 and 17107 of 2021
23.09.2021

RD(4.10.2021) 4P 6C