



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.17733 of 2021

R.Panchavarnam

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.

2.The Tahsildar,
Thiruchuli Taluk,
Virudhunagar District.

3.The Surveyor,
Thiruchuli Taluk,
Virudhunagar District.

4.The Village Administrative Office,
A.Mukulam,
Thiruchuli Taluk,
Virudhunagar District.

... Respondents

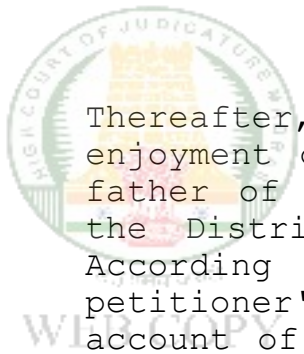
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to issue patta in name of the petitioner to the property comprised in Survey No.279/30, situated Door No.1/29A, New No.2/87, Thiruvallarnallur Village, Thiruchuli Taluk, Virudhunagar District on the basis of the representation dated 06.08.2021.

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

ORDER

The petitioner seeks a direction for the issuance of a patta in respect of the property bearing Survey No.279/30 situated at Door No.1/29A, New No.2/87, Thiruvallarnallur Village, Thiruchuli Taluk, Virudhunagar District.

2. The petitioner states that she purchased the above mentioned property under a registered sale deed dated 05.06.2009.



Thereafter, it is stated that she was in peaceful possession and enjoyment of the said property. However, one Pitchai, who is the father of the petitioner's vendor, instituted a civil suit before the District Munsif Court, Aruppukottai in O.S.No.244 of 2009. According to the petitioner, the said suit was decided in the petitioner's favour by judgment and decree dated 04.02.2020. On account of the pendency of the said civil suit, it is stated that the patta was not mutated earlier in the petitioner's favour.

3. On 06.08.2021, the petitioner made a representation for issuance of a patta in his name in view of the fact that the above mentioned Pitchai did not assail the judgment and decree dated 04.02.2020. The present Writ Petition is filed because the Tahsildar failed to act on the request for patta.

4. Mr.P.Subbaraj, learned counsel for the State, appears on behalf of all the respondents. He draws reference to the communication dated 19.08.2021 from the Revenue Divisional Officer and points out that the Tahsildar may be directed to consider and dispose of the petitioner's representation.

5. The petitioner has enclosed a copy of the registered sale deed dated 05.06.2009 and the judgment and decree in O.S.No.244 of 2009 dated 04.02.2020. However, the petitioner has not produced a copy of the patta in the name of his predecessor in interest. This aspect should be examined by the Tahsildar while considering the request of the petitioner for patta. Nonetheless, in view of the fact that the jurisdictional Revenue Divisional Officer has already directed the Tahsildar to conduct an inquiry, such inquiry should be concluded expeditiously.

6. Subject to the above observations but without entering any findings on the merits of the matter, the second respondent herein is directed to consider the petitioner's representation dated 06.08.2021 and dispose of the same 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 Pitchai.

7. Accordingly, W.P.(MD).No.17733 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-I)

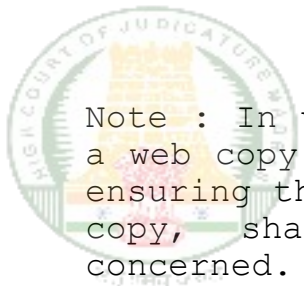
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/ /2021

Sub Assistant Registrar(CS)

tsg/LM

<https://hcservices.ecourts.gov.in/hcservices/>



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.

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To

- 1.The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
- 2.The Tahsildar,
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- 3.The Surveyor,
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Virudhunagar District.
- 4.The Village Administrative Office,
A.Mukulam,
Thiruchuli Taluk,
Virudhunagar District.

+1 CC to M/s.SPL.GP (SR-31938[F] dated 11/10/2021)

+1 CC to M/s.R.SHENBAGARAJ, Advocate (SR-31788[F] dated
08/10/2021)

W.P(MD)No.17733 of 2021
08.10.2021

RD(25.10.2021) 3P 7C