



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.10.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.17869 of 2021

Chinna Jeyaraman

... Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The Revenue Divisional Officer,
Nilakottai Taluk, Dindigul District.

3.The Tahsildar,
Nilakottai Taluk, Dindigul District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to act as per the representation dated 18.08.2021 presented by the petitioner to the third respondent for mutation of patta in the name of Mr.Kamanan, the bona fide purchaser under sale deed dated 14.07.2021.

For Petitioner	: Mr.S.Vellaichamy
For Respondents	: Mr.K.S.Selva Ganesan, Counsel for the State.

O R D E R

The petitioner seeks a direction to the third respondent to remutate the patta in the name of Mr.K.Kamanan.

2.The petitioner traces title to the property bearing Survey Nos.1063/2A, 1063/3A2 and 1063/3A1 to a partition deed executed on 18.01.1999 between himself and his brother, the late Jeyaraman. Pursuant thereto, it is stated that the petitioner's brother executed a registered settlement deed dated 04.02.1999 in favour of his wife J.Rukumani. The petitioner also points out that a separate patta was issued under Patta No.6148 to the petitioner. Subsequently, the petitioner executed a registered sale deed dated 14.07.2021 in favour of one Kamanan. Consequently, Patta No.9126 was issued in the name of K.Kamanan as regards the property bearing Survey Nos.1063/2A, 1063/3A2 and 1063/3A1.

3.In these facts and circumstances, the petitioner states that he was shocked to discover that by proceedings dated 16.07.2021, the patta was reissued in the name of the petitioner under Patta No.6148 and in the name of his late brother Jeyaraman under Patta No.6149.



The present writ petition is filed in these facts and circumstances.

4.Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of all the respondents. On instructions, he submits that an inquiry is ongoing with regard to the relevant properties. He relies upon an unregistered gift deed executed in favour of the Governor of Madras by Ramanathan Chettiar. Pending such inquiry, he states that the patta was restored to the names of the petitioner and his late brother.

5.Learned counsel for the petitioner points out that the document relied upon by the State is not valid inasmuch as it is an unregistered document. Indeed, it is submitted that the said document would not qualify as a gift deed.

6.The petitioner has produced the documents of title and revenue records to establish his claim over the relevant property. The patta issued on 14.07.2021 in the name of K.Kamanan is on record. On the basis of these documents, the petitioner has made out a case for the consideration of his claim for remutation in the name of K.Kamanan. For such purpose, it is necessary that a reasonable opportunity be provided to the petitioner, K.Kamanan, J.Rukumani and other legal heirs.

7.Accordingly, W.P(MD).No.17869 of 2021 is disposed of by directing the third respondent to proceed with and conclude the inquiry relating to the properties bearing Survey Nos.1063/2A, 1063/3A2, 1063/3A1 within a period of two months from the date of receipt of a copy of this order. Such inquiry shall be concluded after providing a reasonable opportunity to the petitioner, K.Kamanan, J.Rukumani and the other legal heirs. A reasoned order shall be issued upon conclusion of such inquiry. There will be no order as to costs.

Sd/-

Assistant Registrar (A.D II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Dindigul District.



2.The Revenue Divisional Officer,
Nilakottai Taluk,
Dindigul District.

3.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

+1 CC to M/s.S.VELLAICHAMY, Advocate (SR-32520[F] dated
25/10/2021)

+1 CC to M/s.SPL.GP (SR-32344[F] dated 25/10/2021)

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