



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.18238 of 2021

WEB COPY

S.Beemaraj

... Petitioner

Vs.

The Tahsildar,
Vembakottai Taluk,
Virudhunagar District.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to mutate the patta in the name of the petitioner in respect of the properties comprised Survey No.996/28, Survey No.140/4B measuring to an extent of 0.0132.0 Hectare and 0.2.0 Hectare respectively situated at Sankarapandiapuram Village, Vembakottai Taluk, virudhunagar District by considering his representation dated 23.09.2021.

For Petitioner	: Mr.T.Lenin Kumar
For Respondent	: Mr.P.Subbaraj
	Counsel for the State

O R D E R

The petitioner seeks a direction for mutation of patta in his name in respect of the properties bearing Survey Nos.996/28 and 140/4B measuring an extent of 0.0132.0 Hectare and 0.2.0 Hectare, respectively, at Sankarapandiapuram Village, Vembakottai Taluk, virudhunagar District.

2. The petitioner states that his father, Samy Naicker, inherited properties from the petitioner's grandfather, Perumal Naicker. His father passed away on 25.08.1996. The petitioner states that his mother passed away even earlier. According to the petitioner, he is the sole legal heir in view of the fact that the partition suit filed by his sisters in O.S.No.130 of 2004 before the District Munsif, Sattur was dismissed. The petitioner asserts that his sisters did not file an appeal against the order of dismissal.

3. After submitting a representation dated 23.09.2021 seeking mutation of patta, the present writ petition is filed.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice



on behalf of the sole respondent. He submits that the petitioner's representation may be considered after providing a reasonable opportunity to the other legal heirs.

5. The petitioner has enclosed Patta No.846. The said patta pertains to the property bearing Survey No.140/4B. This is one of the properties in respect of which mutation of patta is requested for. The said patta stands in the name of Ramasamy Naicker and Samy Naicker. Therefore, the said Ramasamy Naicker or his legal heirs should be put on notice. Similarly, all the legal heirs of Samy Naicker should be put on notice. Although the petitioner claims that he is the sole legal heir on the basis of the dismissal of the partition suit, such partition suit was dismissed on the ground of non-joinder of all necessary parties. Therefore, the dismissal of the partition suit does not mean that the petitioner is the sole successor of his father's estate.

6. Subject to the above observations, W.P(MD) No.18238 of 2021 is disposed of by directing the respondent to consider the petitioner's application for mutation of patta after putting the joint pattadars or their legal heirs on notice both with regard to Survey Nos.996/28 and 140/4B. The petitioner's representation shall be disposed of by a reasoned order within a period of three months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner, the joint pattadars or their legal heirs. There will be no order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

The Tahsildar,
Vembakottai Taluk,
Virudhunagar District.

+1 CC to M/s.SPL.GP (SR-31943[F] dated 11/10/2021)

W.P. (MD)No.18238 of 2021

08.10.2021

=RD(21.10.2021) 2P 3C