



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.19048 of 2020

Elaiyaraja

... Petitioner

Vs.

1.The Thasildar,
Musiri Taluk Office,
Musiri,
Trichy District.

2.Periyasamy

3.Dharmaraj

4.Duraisamy Muthuraja

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to issue patta in favour of the petitioner in respective of old S.No.663 of 2012, Natham new Survey No.422/12, 399/1B and Punja S.Nos.399/5, 399/3B, 399/4, 422/11B, 422/3, 429/2A and 438/5A, which is situated at M.Pudupatti West revenue Village, Musiri Taluk, Trichy District on the basis of his representation dated 07.11.2020, within a time frame that may be fixed by this Court.

For Petitioner : Mr.K.Arunraj

For R1 : Mr.N.Satheesh Kumar

Additional Government Pleader

For R2 & R3 : Mr.Siva Ilayaraja

ORDER

The writ petition has been filed in the nature of Mandamus, seeking a direction against the first respondent/Thasildar, Musiri Taluk Office, Musiri, Trichy District, to consider the representation of the petitioner, by which representation, the petitioner has sought joint patta to be issued in his name and in the name of the third respondent/Dharmaraj, with respect to the property in old S.No.663 of 2012, Natham new Survey No.422/12, 399/1B and Punja S.Nos.399/5, 399/3B, 399/4, 422/11B, 422/3, 429/2A and 438/5A, which are situated at M.Pudupatti West Revenue Village, Musiri Taluk, Trichy District.



2. The first, second and third respondents also filed a counter affidavits.

3. The second respondent/Periyasamy is the father of the petitioner/ Elaiyaraja and the third respondent/Dharmaraj. The fourth respondent/Duraisamy Muthuraja, is a stranger to the family. The grandfather of the petitioner, namely, Periyasamy @ Thirucholan, has executed a Will with respect to the property by bequeathing the property both to the petitioner/Elaiyaraja and the third respondent/Dharmaraj. The second respondent/father of the petitioner, also called Periyasamy, had executed a settlement in the teeth of the Will being in force, settling the property in favour of the fourth respondent/Duraisamy Muthuraja.

4. It is claimed by the learned Counsel for the petitioner that the fourth respondent had does not lay any claim over the property and his name has been mistakenly given. That it is an issue which can be examined only later. The petitioner had given a representation that the joint patta may be given in the names of the petitioner and the third respondent. There are disputes among the members of the family.

5. Therefore, a direction is issued to the first respondent/Thasildar that before he proceeds further, to examine the petitioner, issue notice to the second, third and fourth respondents, to examine the terms of the Will, to examine whether the settlement deed has been executed with the knowledge of the Will or by suppressing the Will, and thereafter, take a considered decision on the representation of the petitioner for grant of joint patta in the name of the petitioner and the third respondent by mentioning that the petitioner and the third respondent are brothers. Let the first respondent take a decision in manner known to law within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

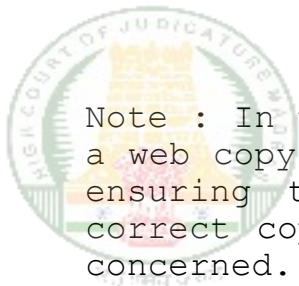
Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/aav



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.

WEB COPY

To
The Thasildar,
Musiri Taluk Office,
Musiri,
Trichy District.

+1 CC to M/s.S.SIVA THILAKAR, Advocate (SR-38403[F]
dated 13/12/2021)

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-38322[F] dated 13/12/2021)

+1 CC to M/s.SPL GP (SR-38310[F] dated 13/12/2021)

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