



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD)No.20412 of 2021

N.Ragavan

... Petitioner

vs.

The Tahsildar,
Rameshwaram Taluk.
Ramanathapuram District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to issue patta in favour of the legal heirs of Nambinarayanan including the petitioner with regard to the properties comprised in S.No.130/2 of Rameswaram Village, Rameswaram Taluk, Ramanathapuram District by considering the representation of the petitioner, dated 13.09.2021 within the time frame as maybe stipulated by this Court.

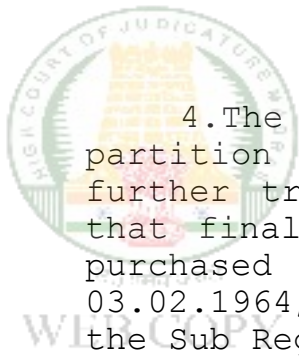
For Petitioner :Mr.S.C.Herold Singh
For Respondent :Mr.D.Ghandiraj
Special Government Pleader

O R D E R

This Writ Petition has been filed in the nature of Mandamus seeking a direction to the respondent/Tahsildar, Rameswaram Taluk, Ramanathapuram District, to issue patta in favour of the legal heirs of Nambinarayanan. The petitioner is also one of the legal heirs.

2.Heard Mr.S.C.Herold Singh, learned Counsel for the petitioner and Mr.D.Ghandiraj, learned Special Government Pleader for the respondent.

3.It is claimed that patta has to be issued with respect to the property in S.No.130/2 of Rameswaram Village, Rameswaram Taluk, Ramanathapuram District. The petitioner had given a representation on 13.09.2021 in this regard. In the affidavit filed in support of this Writ Petition, it had been stated that the property in S.No.130/2, Rameswaram Village, Rameswaram Taluk, Ramanathapuram District, originally belonged to one Regunathapillai son of Regurampillai. Regunathapillai had executed a Will in favour of his heirs, namely, Natarajapillai, Regurampillai, Panchaksarampillai, Arumugam Pillai, Kunjammal and Parvatham. The Will was registered on 10.11.1936 as Doc.No.6 of 1936. Regunathapillai died on 11.10.1937.



4.The properties devolved to the beneficiaries. Thereafter, a partition was effected among the beneficiaries and there were also further transactions over the said property. It had been stated that finally, the father of the petitioner, R.Nambinarayanan, had purchased the property, for which patta is now required, on 03.02.1964, which was registered as Doc.No.48/1964 in the office of the Sub Registrar, Rameswaram.

5.Apart from the petitioner, there was another son and four other daughters, who were born along with the petitioner. They all decided to partition and they partitioned the property. The petitioner applied for separate patta on 13.09.2021. He also made necessary payment through online challan on 25.10.2021.

6.The learned Special Government Pleader stated that the documents were required to consider the representation given by the petitioner, these included, the settlement document with respect to S.No.130/2 of the year 1957 and the encumbrance certificate from the year 01.01.1957 to 31.12.1986.

7.It is incumbent on the part of the petitioner to produce relevant documents, so that it would enable the respondent to consider the grant of patta or decide not to grant of patta. The petitioner may directly approach the respondent/Tahsildar, Rameswaram Taluk, on or before 10.01.2022 and seek documents, which are required to be produced for grant of patta. Thereafter, the petitioner may take every steps to produce those documents and may submit those documents on or before 10.02.2022 After that, the respondent may examine the records, make necessary enquiries and take a decision either to grant patta or decline to grant patta. At any rate, a decision must be taken on or before 10.03.2022. If a decision is taken to deny grant of patta, then reasons may be given for the same.

8.With the said observations, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cmr



To

The Tahsildar,
Rameshwaram Taluk.
Ramanathapuram District.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-38535[F]
dated 14/12/2021)

Order made in
W.P. (MD) No.20412 of 2021
13.12.2021

PS (CO)
GC (21.12.2021) 3P 3C