



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. Nos.6754 and 6757 of 2022

W.P.No.6754 of 2022:-

D.Manimozhi ... Petitioner
Vs.

1. The District Collector,
Office of District Collector,
Kallakurichi.
2. The Tahsildar,
Office of the Tahsildar,
Sankarapuram Taluk, Kallakurichi District.
3. The Village Administrative Officer,
Office of Village Administrative Officer,
Sathabhuthur Village,
Sankarapuram Taluk and Kallakurichi District.
... Respondents

W.P.No.6757 of 2022:-

Stephen Lewis ... Petitioner
Vs.

1. The District Collector,
Office of District Collector,
Kallakurichi.
2. The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Kallakurichi.
3. The Tahsildar,
Office of the Tahsildar,
Sankarapuram Taluk, Kallakurichi District.
4. The Village Administrative Officer,
Office of Village Administrative Officer,
Sathabhuthur Village,
Sankarapuram Taluk and Kallakurichi District.
... Respondents



Prayer in W.P.No.6754 of 2022 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to consider the petitioner representation dated 07.01.2022 for issue patta in favour of legal heir of Durairaj in respect of property bearing R.S.No.33/4, wet land, extent of 1 Acre 55 Cents in Sathaputhur Village, Sankarapuram Taluk within the SRO, Rishivandiyam, District Registration Office, Kallakurichi.

Prayer in W.P.No.6757 of 2022 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 05.02.2022 for issue patta in my favour in respect of property measuring 0.26.0 acre 0.64 $\frac{1}{4}$ cent in Survey No.74/2B, 0.13.0 acre 0.33 $\frac{1}{4}$ cents in Survey No.74/3B, 0.50.5 acre 1.24 $\frac{3}{4}$ cent in Survey No.74/2C, 0.46.0 acre 1.13 $\frac{3}{4}$ cent in Survey No.74/2D situated in melvizhi Village, Kallakurichi Taluk, Thiyagathurgam Panchayat limit, within the Sub-Registrar District of Thiyagathurgam and Registration Department of Kallakurichi.

For Both W.Ps

For Petitioners : Mr.D.Murugan

For Respondents : Mr.R.P.Murugan Raja
Government Advocate

COMMON ORDER

The Writ Petition in W.P.No.6754 of 2022 has been filed seeking for issuance of a Writ of Mandamus, directing the 2nd respondent to consider the petitioner representation dated 07.01.2022 for issue patta in favour of legal heir of Durairaj in respect of property bearing R.S.No.33/4, wet land, extent of 1 Acre 55 Cents in Sathaputhur Village, Sankarapuram Taluk within the SRO, Rishivandiyam, District Registration Office, Kallakurichi.

2. The Writ Petition in W.P.No.6757 of 2022 has been filed seeking for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 05.02.2022 for issue patta in my favour in respect of property measuring 0.26.0 acre 0.64 $\frac{1}{4}$ cent in Survey No.74/2B, 0.13.0 acre 0.33 $\frac{1}{4}$ cents in Survey No.74/3B, 0.50.5 acre 1.24 $\frac{3}{4}$ cent in Survey No.74/2C, 0.46.0 acre 1.13 $\frac{3}{4}$ cent in Survey No.74/2D situated in melvizhi Village, Kallakurichi Taluk, Thiyagathurgam Panchayat limit, within the Sub-Registrar District of Thiyagathurgam and Registration Department of Kallakurichi.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the respondents and perused the materials available on record.



4. The case of the petitioners is that the petitioners are the owners of the property bearing R.S.No.33/4, wet land, extent of 1 Acre 55 Cents in Sathaputhur Village, Sankarapuram Taluk within the SRO, Rishivandiyam, District Registration Office, Kallakurichi District and the property measuring 0.26.0 acre 0.64 $\frac{1}{4}$ cent in Survey No.74/2B, 0.13.0 acre 0.33 $\frac{1}{4}$ cents in Survey No.74/3B, 0.50.5 acre 1.24 $\frac{3}{4}$ cent in Survey No.74/2C, 0.46.0 acre 1.13 $\frac{3}{4}$ cent in Survey No.74/2D situated in melvizhi Village, Kallakurichi Taluk, Thiyagathurgam Panchayat limit, within the Sub-Registrar District of Thiyagathurgam and Registration Department of Kallakurichi District, respectively. The petitioners made representations to the respondents on 05.02.2022 and 07.01.2022 respectively, for grant of Patta in respect of the said properties. However, till date no orders have been passed. Hence, these Writ Petitions are filed with the aforesaid prayer.

5. The learned counsel appearing for the petitioners submitted that it would suffice, if this Court issues direction to the respondents to consider the petitioners' representations, dated 05.02.2022 and 07.01.2022 respectively and pass appropriate orders within a reasonable time that may be fixed by this Court.

6. The Government Advocate appearing on behalf of the official respondents submitted that the application of the petitioner in W.P.No.6754 of 2022, dated 05.02.2022 has been rejected, on 30.03.2022, on the ground that a suit in O.S.No.11 of 2000 is pending before the District Munsif Court, Kallakurichi and the application of the petitioner in W.P.No.6757 of 2022, dated 07.01.2022 has been rejected, on 30.03.2022, on the ground that a suit in O.S.No.17 of 2022 is pending before the District Munsif Court, Kallakurichi. Hence, he prayed for dismissal of these petitions.

7. This Court, by its order dated 24.03.2022, directed the Thasildar, Kallakurichi District, to issue Patta in favour of the petitioners, if it is otherwise in order, and if there is no rival claim made. In pursuant to the said order passed by this Court, the Thasildar, Kallakurichi District, rejected the petitioners' applications on 30.03.2022, on the ground that both the suits in O.S.No.11 of 2000 and O.S.No.17 of 2022 are pending before the District Munsif Court, Kallakurichi. Hence, the prayer sought for in these petitions cannot be granted. However, liberty is granted to the petitioners to work out their own remedy in the manner known to law.

8. In the result, these Writ Petitions are closed. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

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

Sub Assistant Registrar



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To

1. The District Collector,
Office of District Collector,
Kallakurichi.
2. The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Kallakurichi.
3. The Tahsildar,
Office of the Tahsildar,
Sankarapuram Taluk, Kallakurichi District.
4. The Village Administrative Officer,
Office of Village Administrative Officer,
Sathabhuthur Village,
Sankarapuram Taluk and Kallakurichi District.

+1 ccs to Government Pleader Sr.NOs. 20599,20600,22205
W.P. Nos.6754 and 6757 of 2022

SKM(CO)
A.SK(19/04/2022)