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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.22293 of 2019

Rajendra Babu

... Petitioner

-Vs-

1. The Tahsildar,
Madukarai,
Madukarai Taluk,
Coimbatore.
2. The Village Administrative Officer,
Etimada Village, Madhukarai Taluk,
Ettimada PO, Coimbatore,
Tamil Nadu.
3. Ponmalai Gounder Charitable Trust
Represented by its Trustee P.R.Subramaniam,
Son of Late Rathnasamy Gounder,
2/12-2/49, Madukkarai via,
Palathurai,
Coimbatore 641 105.
(R3 impleaded as per order
dated 30.01.2020 made in
W.M.P.No.478 of 2020 in
W.P.No.22293 of 2019)

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to issue a patta for my property situated in Survey No.606/2B of Ettimada Village, Madhuraka Taluk Coimbatore in light of the award dated 04.03.2019.

For Petitioner : Mr.S.Sivaraman

For R1 and R2 : Mr.P.Balathandayutham
Special Government Pleader

For R3 : Mr.T.S.Baskaran



ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the respondents to issue a patta for my property situated in Survey No.606/2B of Ettimada Village, Madhuraka Taluk, Coimbatore in light of the award dated 04.03.2019.

2. Heard Mr.S.Sivaraman, learned counsel appearing for the petitioner, Mr.P.Balathandayutham, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.T.S.Baskaran, learned counsel appearing for the third respondent.

3. The petitioner's application, dated 04.03.2019 for issuance of patta in respect of the property comprised in Survey No.606/2B, is pending on the file of the first respondent, on the strength of the Lok Adalat Award, dated 04.03.2019 passed in O.S.No.1548 of 2018 on the file of the II Additional District Munsif Court, Coimbatore. While pending the writ petition, the third respondent had filed an impleading petition to implead himself as a party and the same was allowed.

4. A perusal of the counter filed by the first respondent revealed that the Award passed in O.S.No.1548 of 2018 on the file of the II Additional District Munsif Court, Coimbatore is for the relief of Permanent Injunction. Therefore, the Award does not declare the title of the said property in favour of the petitioner. Further, a perusal of the revenue records revealed that the property comprised in Survey No.606/2 was subdivided as 606/2A and 606/2B in the year 1986. The land ad-measuring 3.84.5 hectares belong to the third respondent and the remaining lands were stood in the name of Siva Subramaniam and Natarajan. There was a dispute with reference to the Trusteeship in regard to the third respondent. The revenue records had never stood in the name of the petitioner's predecessor i.e. Ammukutty Amma at any point of time. So far, no claim had been made by the said Ammukutty Amma for issuance of patta in respect of the land comprised in Survey No.606/2B. Therefore, the representation of the petitioner for issuance of patta cannot be considered without producing any documents to prove his title.

5. Considering the above, the first respondent is directed to conduct an enquiry, after issuance of notice to the petitioner and the third respondent and after giving them an opportunity of hearing, pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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6. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar(LA)

//True Copy//

Sub Assistant Registrar

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To

1. The Tahsildar,
Madukarai,
Madukarai Taluk,
Coimbatore.
2. The Village Administrative Officer,
Etimada Village, Madhukarai Taluk,
Ettimada PO, Coimbatore,
Tamil Nadu.

+1cc to Mr.T.S.Baskaran, Advocate, S.R.No.5961

+1cc to the Government Pleader, S.R.No.6862

W.P.No.22293 of 2019

RSI (CO)
SU(25/02/2022)