



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.3001 of 2017

J.Thirunavukkarasu

... Petitioner

Vs

The Tahsildar,
Cuddalore Taluk,
Cuddalore District.

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, call for the records and quash the order passed by the respondent in his proceeding Na.Ka.E.695/2016, dated 12.03.2016 and to direct the respondent to issue patta for property bearing S.No.397/1B2A Hectares 0.49.00 and S.No.397/3A2D Hectares 1.61.5 in Ramapuram Village, Cuddalore Taluk, Cuddalore District to the petitioner.

For Petitioner : Mr.D.Baskar

For Respondent : Mr.P.Balathandayutham
Special Government Pleader

ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus to call for the records and quash the order passed by the respondent in his proceedings Na.Ka.E.695/2016, dated 12.03.2016 and to direct the respondent to issue patta for properties comprised in S.No.397/1B2A ad-measuring an extent of 0.49.00 hectares and S.No.397/3A2D, ad-measuring an extent of 1.61.5 hectares, situated at Ramapuram Village, Cuddalore Taluk, Cuddalore District to the petitioner.

2. While the petitioner was a minor, his father purchased the properties comprised in S.No.397/1B2A ad-measuring an extent of 0.49.00 hectares and S.No.397/3A2D, ad-measuring an extent of



1.61.5 hectares, situated at Ramapuram Village, Cuddalore Taluk, Cuddalore District by the registered sale deed dated 29.10.1991. Patta was issued to the petitioner's father and after his demise, the petitioner applied for patta in respect of the subject properties. However, he was issued patta only to an extent of 0.16.0 hectares comprised in S.No.397/1B2A, out of total extent of 0.49.00 hectares, for the reason that the petitioner is in possession and enjoyment to that extent of land only. Insofar as the land comprised in S.No.397/3A2D is concerned, as per the sale deed, the petitioner purchased the land of an extent of 1.61.5 hectares, whereas the petitioner claimed the patta for the total extent of 1.76.00 hectares. Therefore, only after purchase of the remaining land, the petitioner's land to be considered and ordered accordingly.

3. The learned counsel for the petitioner submitted that the petitioner never made the said statement before the respondent and he is ready to make fresh statement before the respondent.

4. A perusal of the counter affidavit filed by the respondent, reveals that the petitioner attended the enquiry before the respondent and on a perusal of the records, the respondent found that the petitioner has purchased only 0.41.0 ares out of 0.49.0 hectares in S.No.397/1B2A, situated in Ramapuram Village, by Document No.941 of 1991. Further, the petitioner is in possession and enjoyment of the land ad-measuring an extent of 0.16.0 ares only comprised in S.No.397/1B2A of Ramapuram Village. Therefore, the petitioner made a written request to issue patta for the said land alone. Insofar as the land comprised in S.No.397/3A2D is concerned, the petitioner purchased the land 1.61 5 hectares out of 1.76.0 hectares. However, he is in possession and enjoyment of the entire extent of land and he requested by written statement to issue patta, after purchase of the remaining extent of the land.

5. In view of the above averments made in the counter affidavit, the petitioner is directed to make a fresh application for issuance of patta before the respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondent is directed to conduct enquiry, after issuance of notice to the petitioner and counter parties, if any and after giving an opportunity of hearing to them, pass orders to issue patta as per the sale deed dated 29.10.1991, registered vide Document No.941 of 1991, within a period of six weeks thereafter.



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

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

kv
To

The Tahsildar,
Cuddalore Taluk,
Cuddalore District.

+1cc to Mr.D.Baskar, Advocate Sr.3448
+1cc to the Government pleader Sr.4042

W.P.No.3001 of 2017

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srg 02/02/2022