



W.P.No.30414 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

CORAM
THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.30414 of 2022

1.Thamayanthi
2.Sakthivel
Vs
... Petitioners

1.The District Collector,
Collector Office,
Ariyalur District.

2.The Zonal Deputy Tahsildar,
Office of Tahsildar,
Senthoorai Taluk,
Ariyalur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records in respect of rejection of online Application made by the petitioner bearing Application ID No.2021/0103/17/183143 dated 24.01.2022 on the file of the 2nd respondent and quash the same and direct the 2nd respondent to issue Patta in favour of the petitioners in respect of their properties mentioned in Item No.1 viz., land comprised in S.No.3/3, No.4/4, 4/6 totally measuring to and extent of 1.27 Acres of land and Item No.2 viz., land comprised in s.No.35/ 4,7,8 &2 and 36/4B measuring to an extent of 40 ½ Cents along with 5 cashew nut trees



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situated at Irumbullikurichi Village, Ariyallur District, it is otherwise in order, within the time frame fixed by this Court.

For Petitioners : Mr.Kamachi.D

For Respondents : Mr.U.Bharanidharan
Additional Government Pleader

ORDER

The petitioners have filed this petition to call for the records in respect of rejection of online Application made by the petitioner bearing Application ID No.2021/0103/17/183143 dated 24.01.2022 on the file of the 2nd respondent and quash the same and direct the 2nd respondent to issue Patta in favour of the petitioners in respect of their properties mentioned in Item No.1 viz., land comprised in S.Nos.3/3, No.4/4, 4/6 totally measuring to and extent of 1.27 Acres of land and Item No.2 viz., land comprised in s.No.35/ 4,7,8 &2 and 36/4B measuring to an extent of 40 ½ Cents along with 5 cashew nut trees situated at Irumbullikurichi Village, Ariyallur District, it is otherwise in order, within the time frame fixed by this Court.

2.The case of the petitioner is that the 1st petitioner got married to one Natarajan. Out of their wedlock one son named Karthikeyan and the 2nd



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petitioner were born. While so, the father of the 2nd petitioner married another woman namely Manimegalai, who is the sister of the 1st petitioner's. Thereafter, the 2nd petitioner's father purchased a property comprised in S.Nos.3/3, 4/5, 4/6 totally measuring an extent of 1.27 Acres of land situated at Irumbulikurichi Village, Ariyallur (hereinafter referred as Item No.1) from one Velayathum Padaiyachi & Neelamegam by virtue of a Sale Deed registered as Doc.No.564 of 1995 dated 07.09.1995 in favour of the 2nd petitioner's brother namely Karthikeyan, naming the said Manimegalai as guardian. Thereafter, the 2nd petitioner's father purchased a another property comprised in S.No.35/4, 7, 8, 2 & 36/4B measuring an extent of 40 ½ Cents along with 5 cahsew nut trees at Irumbulikurichi Village, Ariyallur (hereinafter referred as Item No.2) registered as Doc.No.1040 of 2001 dated 21.11.2001 jointly in favour of the 2nd petitioner and her brother naming the said Manimegalai as guardian. While so, the 2nd petitioner's brother died intestate and the 2nd respondent attained majority, now aged 25 years. Hence, the said Manimegalai had been released from her guardianship. The petitioners filed a Suit in O.S.No.179 of 2011 for declaration and permanent injunction, Principal District Munsif Court, Ariyalur and the same was decreed on 18.10.2016. Thereafter, the petitioners gave an application dated 24.01.2022 bearing ID No.2021/0103/17/183143 for



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issuance of patta in respect of the above said properties before the 2nd respondent, whereas, the same was returned on 24.01.2022 stating that the Encumbrance Certificate is not in continuity. Hence, the petitioners have filed the present Writ Petition.

3.Learned counsel appearing for the petitioner would submit that the petitioner made an application for issuance of Patta for the aforesaid property and the said application was rejected through online on 24.01.2022. He would further submit that though the detailed order was passed no copy was served on the petitioner so as to enable him to prefer an appeal before the Revenue Divisional Officer. However, it was rejected only through online and no detailed order was passed. Accordingly, he prayed for appropriate orders.

4.Mr.U.Baranidharan, learned Additional Government Pleader appearing for the respondents submits that if any direction is given by this Court, the same will be complied with.

5.Heard the arguments advanced on either side and perused the materials available on record.



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6.Considering the facts and circumstances of the case, though the petitioner's application was rejected through online on 24.01.2022, the petitioner's claim is that no detailed order was served on the petitioner, so as to enable him to prefer an appeal before the appellate authority.

7.In view of the above, this Court is inclined to issue a direction to the 2nd respondent to furnish the rejection order copy to the petitioner within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said impugned order, liberty is granted to the petitioner to prefer an appeal before the Revenue Divisional Officer in terms of Section 12 of the Tamil Nadu Patta and Passbook Act, 1983.

8.This Writ Petition is accordingly, disposed of. No costs.

16.11.2022

gba
Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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M.DHANDAPANI,J.

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