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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32605 of 2019

and

W.M.P.No.32984 of 2019

S.Sampath

...Petitioner

Vs.

1. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Coimbatore District.
2. The District Revenue Officer,
Office of District Revenue Office,
Coimbatore District.
3. The Assistant Director,
District Land Survey Dept.,
Office of District Collector Office,
Coimbatore District.
4. The Thasildar,
Madhukarai Taluk Thasildar Office,
Madukarai Taluk,
Coimbatore - 641 105.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records pursuant to the order of the 2nd respondent vide Ni.Mu.15908/2018/E1 dated 19.09.2019 and quash the same subsequently direct the 2nd respondent to issue patta in favour of the petitioner as per claim joining the S.No.219/1 and 219/2 in Othakal Mandapam Village, Coimbatore.

For Petitioner : Mr.M.Kalyanasundaram
Senior Advocate
for Mr.R.Vasudevan

For Respondents: Mr.Yogesh Kannadasan
Special Government Pleader



O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent vide Ni.Mu.15908/2018/E1 dated 19.09.2019, quash the same and consequently direct the 2nd respondent to issue patta in favour of the petitioner.

2. The case of the petitioner is that, petitioner's father owned lands in S.Nos.219, 220 and 222, situated at Othakkal Mandapam Village, vide registered partition deed dated 14.09.1956, entered between the petitioner's father and his brother and the petitioner's father was allotted E Schedule property. Whiles, the petitioner's father died on 26.12.1977, leaving behind the petitioner, his mother and two sisters as his legal heirs. Later the petitioner's mother also died on 14.02.1980. Thereafter, the petitioner and his sisters entered into partition deed on 10.10.2001 and the petitioner's sister filed a partition suit in O.S.No.1305 of 2013 before the IV Addl. District Munsif Court, Coimbatore and the same was decreed on 24.04.2017 by demarcate the property based on the Advocate Commissioner report. Pursuant to which, the petitioner made a representation dated 26.11.2015 before the 2nd respondent for issuance of patta in their favour and the same was rejected the 2nd respondent, vide order dated 19.09.2019 in Ni.Mu.15908/2018/E1, on the ground that, the village people have raised objection for deletion of sub-division and granting single survey number, as they are using the portion of the disputed property as 'pathai'. Hence, challenge the said order, the present writ petition is filed.

3. Though very many ground have been raised, learned counsel for the petitioner fairly submitted that, this Court may grant permission to the petitioner to establish his right over the disputed property before the competent Civil Court and thereafter, liberty to the petitioner to file fresh application before the revenue authorities for issuance of patta, after succeeding in the said suit.

4. In view of the submission made by the learned counsel for the petitioner, this Court without interfering with the impugned order dated 19.09.2019, passed by the 2nd respondent in Ni.Mu.15908/2018/E1, grants permission to the petitioner to file appropriate suit before the Competent Civil Court and petitioner is at liberty to approach the Revenue Officials to file fresh application for appropriate remedy, after succeeding in the said Suit.



5. This Writ Petition is disposed of with the aforesaid direction. No costs. Consequently, connected Miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

skt

To

1. The Revenue Divisional Officer,
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3. The Assistant Director,
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4. The Thasildar,
Madhukarai Taluk Thasildar Office,
Madukarai Taluk,
Coimbatore - 641 105.

+1cc to Mr.V.Vasudevan, Advocate, S.R.No.22101

+1cc to the Government Pleader, S.R.No.22984

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and
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SSV(CO)
SU(12/05/2022)