



W.P.(MD)No.297 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.297 of 2021

N.Manoharan

... Petitioner

Vs

1.The District Collector,
Trichy District,
Trichy.

2.The Revenue Divisional Officer,
Musiri Division,
Musiri,
Trichy District.

3.The Tahsildar,
Thuraiyur Taluk,
Trichy.

4.N.Sathyaseelan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 to 3 to include the petitioner's name in Patta No.325 in respect of Petitioner's undivided joint family Punja Land in S.No.252/3, Keerambur Village to the extent of 1 Hec and 40.00 Ares and in Patta No. 446 in respect of house plot in S.No.162/5H in



W.P.(MD)No.297 of 2021

Senkattupatti Village to the extent of 1.50 Ares, both situated at Thuraiyur Taluk, Trichy District issued to the fourth respondent by considering the representation of the petitioner, dated 03.09.2020.

For Petitioner : Mr.R.Gowrishankar

For Respondents : Mr.G.Sivaraja
Government Advocate for R.1 to R.3

No Appearance for R.4

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for the respondents 1 to 3.

2. Though the name of the fourth respondent has been printed in the cause list, he has not chosen to enter appearance.

3. There is no dispute that the petition mentioned land belonged to late Nallusamy Kounder. He is no more. The petitioner and the fourth respondent are his legal heirs. The patta originally stood in the name of Nallusamy Gounder. Therefore, after his demise, the patta should have reflected the names of the writ petitioner and the fourth respondent. But due to some reasons that are not quite clear, the fourth respondent's name alone has been entered in the revenue record. That is questioned by the writ petitioner.



W.P.(MD)No.297 of 2021

4. The learned Government Advocate would state that for more than 30 years, it is only the fourth respondent who has been recognised as a pattadhar.

It appears that the fourth respondent had stated before the revenue authority that there has been an oral partition in the family and that the property in question was allotted to him exclusively. These are not matters that can be decided by the revenue authority. If the oral partition is projected by one party, unless it is accepted by the other party, the matter should be left to be adjudicated only by the jurisdictional civil Court.

5. The petitioner does not appear to have been put on notice before granting exclusive patta to the fourth respondent. The third respondent is directed to include the name of the writ petitioner also as joint pattadhar in respect of the petition mentioned property.

6. This writ petition is allowed. No costs.

03.08.2022

Index : Yes / No
Internet : Yes/ No
mga

To
1.The District Collector,
Trichy District,
Trichy.



WEB COPY



W.P.(MD)No.297 of 2021

G.R.SWAMINATHAN, J.

mga

2.The Revenue Divisional Officer,
Musiri Division,
Musiri,
Trichy District.

3.The Tahsildar,
Thuraiyur Taluk,
Trichy.

W.P.(MD)No.297 of 2021

03.08.2022