



W.P.(MD).No.15735 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.08.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.15735 of 2013

and

M.P(MD)No.2 of 2013

- 1.Veera Raghava Perumal
- 2.R.Janaki
- 3.R.Subbaiah
- 4.G.Subbaiah
- 5.Kasi Perumal
- 6.S.Veerammal
- 7.K.Jeya Kumar
- 8.V.Dhanaraj
- 9.I.Radha Krishnan
- 10.N.Selvaraj
- 11.G.Kanagavel
- 12.Ramakrishnan
- 13.V.Veera Perumal Naicker
- 14.G.Gurusamy
- 15.K.Akkammal
- 16.S.Suresh Kumar
- 17.V.Sundara Rajan
- 18.Renganayaki
- 19.A.Jeyabalan
- 20.P.Veerappa Perumal Naicker
- 21.S.Sridharan

... Petitioners

Vs.



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1.The District Collector,
Tuticorin.

2.The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.

3.The Tahsildar,
Ottapidaram Taluk,
Tuticorin District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to issue individual patta in favour of the petitioners in 'Gramanatham' Survey No.62/1 situated in Valasamudram Village, Ottapidaram Taluk, Tuticorin District.

For Petitioners : Mr.N.Shankar Ganesh

For Respondents : Mr.D.Sasikumar
Additional Government Pleader

ORDER

The present Writ Petition has been filed seeking a Writ of Mandamus, directing the respondents to issue individual patta in favour of the 21 writ petitioners in 'Gramanatham' Survey No.62/1, situated in Valasamudram Village, Ottapidaram Taluk, Tuticorin District.



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2. According to the petitioner, all the petitioners are residing in the said Gramanatham for more than 100 years. Hence, they made a request for grant of patta. However, since the request was not considered, they filed a writ petition on 23.09.2013. This Court was pleased to grant an order of interim injunction restraining the respondents from issuing patta in favour of the third parties on 24.09.2013.

3. Per contra, the learned Additional Government Pleader appearing for the respondents had contended that on 05.09.2013, an assignment patta has been granted in favour of various beneficiaries. The said orders have been passed even before the filing of the writ petition. Hence, the present writ petition seeking a writ of Mandamus for grant of patta for the same property is not maintainable.

4. I perused the assignment patta which are, dated 05.09.2013.

5. Admittedly, these pattas have been issued prior to be filing of the writ petition. Hence, the present writ petition seeking a writ of Mandamus for grant of patta for the same property is not maintainable



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without challenging the assignment patta in favour of the beneficiaries.

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6. The learned Additional Government Pleader is directed to serve a copy of the assignment orders in favour of the learned Counsel for the writ petitioner to enable him to challenge the said assignment order.

7. In view of the above said discussion, the writ petition stands disposed of with liberty to the writ petitioners to challenge the order of assignment, dated 05.09.2013, if they are so advised. No costs. Consequently, connected Miscellaneous Petition is closed.

02.08.2022

Index : Yes / No
Internet : Yes / No
btr



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R.VIJAYAKUMAR, J.

btr

Order made in
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