

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.09.2022**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.8928 of 2013
and
M.P(MD)Nos.1 and 2 of 2013

M/s.Raj Kumar Impex Private Ltd.,
Represented by its Director,
Jai Rajkumar.

... Petitioner

Vs.

- 1.The District Collector,
Tuticorin District,
Tuticorin.
- 2.The Revenue Divisional Officer,
Tuticorin Taluk,
Tuticorin District.
- 3.The Tahsildar,
Tuticorin Taluk,
Tuticorin District.
- 4.The Zonal Deputy Tahsildar,
Tuticorin Taluk,
Tuticorin District.
- 5.P.Jayalakshmi
- 6.T.S.Ramar

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the fourth respondent's proceedings made in Oo.Mu(A2)/10645/2012 dated 16/10/2012 in Mu.Mu.(A10) Tha-pa-Ma and consequential modified patta No.146 dated 26/07/2012 issued the same under RTI Act, dated 15/10/2012 and quash the same with respect to inclusion of the fifth and sixth respondents as joint pattadars in the petitioner's patta No.146 for the Land comprised in Survey No.36/2B over an extent of 1.24.500 Hec.(3 acres and 7 cents) in Senthalanpannai Village, Tuticorin Taluk and District.

For Petitioner	: Mr.P.T.S.Narendra Vasan
For R1 – R4	: Mr.M.Linga Durai Special Government Pleader
For R5 & R6	: Mr.S.Sivathilakar

ORDER

The present writ petition has been filed challenging an order passed by the fourth respondent herein, under which the name of the respondents 5 and 6 were included in the joint patta along with the writ petitioner.

2. According to the petitioner, Survey No.36/1 is having an extent of 5.17 acres and Survey No.36/2 is having an extent of 3.57 acres. Survey No.36/2 got subdivided into Survey No.36/2A having an extent of 0.49 acres and Survey No.36/2B having an extent of 3.07 acres. The petitioner/Company has purchased an extent of 3.07 acres in Survey No. 36/2B by way of a registered sale deed, dated 23.02.2009. A perusal of the schedule of property indicates that the petitioner/Company has purchased Survey No.36/2B having an extent of 3.07 acres in Patta No. 144. After purchase, the petitioner was also granted a separate patta in Patta No.146.

3. According to the learned counsel for the petitioner, the fifth respondent has purchased Survey No.36/1 through her power agent sixth respondent under a sale deed, dated 06.09.2010. A perusal of the said sale deed indicates that they have purchased 65 cents in Survey No.36/1. Hence, according to the petitioner, the purchase made by the fifth respondent herein is nothing to do with the property purchased by the writ petitioner.

4. The learned counsel for the petitioner further contended that the respondents 5 and 6 have approached the third respondent herein for including their name in Patta No.146. Without notice to the writ petitioner, even the name of the power agent got included in the Patta No.146. Hence, the present writ petition.

5. I have carefully perused the documents filed in support of the writ petition.

6. On perusal of the sale deed in favour of the writ petitioner, dated 23.02.2009, it is clear that they have purchased 3.07 acres in Survey No.36/2B. On the other hand, the fifth respondent has purchased 65 cents in Survey No.36/1 showing Survey No.36/2B as their western boundary. Hence, it is clear that the fifth respondent has nothing to do with the property purchased by the writ petitioner.

7. The third respondent herein without issuing any notice to the writ petitioner has included the name of the respondents 5 and 6 in Patta No.146 along with the writ petitioner. In view of the above said facts, it

is clear that the order impugned in the writ petition has been passed without looking into the sale deed of the writ petitioner and the fifth respondent herein. Hence, the order impugned in the writ petition is set aside. The third respondent is directed to delete the name of the respondents 5 and 6 from Patta No.146 and issue a fresh separate patta in favour of the writ petitioner. However, respondents 5 and 6 are at liberty to approach the revenue authorities for a separate patta in their name for Survey No.36/1.

8. With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

12.09.2022

Index : Yes / No
Internet : Yes / No

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To

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Revenue Divisional Officer,

Tuticorin Taluk,
Tuticorin District.

R.VIJAYAKUMAR ,J.

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3.The Tahsildar,
Tuticorin Taluk,
Tuticorin District.

4.The Zonal Deputy Tahsildar,
Tuticorin Taluk,
Tuticorin District.

Order made in
W.P(MD)No.8928 of 2013

Dated:
12.09.2022