



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.1063 of 2022

Saraswathi

... Petitioner

vs.

1.The Tahsildar,
Usilampatti Taluk,
Madurai District.

2.The Zonal Deputy Tahsildar,
Usilampatti Taluk,
Madurai District.

3.Vijayakumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first and second respondents herein to make necessary entries and issue patta in favour of the petitioner in respect of the land comprised in Patta No.1519, S.No.109/2A situated in Jothilnaikanur Village, Usilampatti Taluk, Madurai District based on the document No.2917/2021 considering his application dated 04.01.2022 within the time stipulation by this Court.

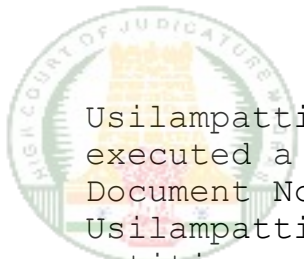
For Petitioner : Mr.A.Mithun Chakravarthi

For R1 and R2 : Mr.N.Satheeshkumar
Additional Government Pleader

O R D E R

The petitioner's father, Athisivan and the third respondent, Vijayakumar, had the experience of entering into a sale deed on 02.03.2018, whereby, the third respondent had conveyed for adequate consideration, the property for which, now the petitioner seeks patta. The said property, is at S.No.109/2A in Jothilnaikanur Village, Usilampatti Taluk, Madurai District. There is already a patta, namely, Patta No.1519. The sale deed between the father of the petitioner and the third respondent had been registered as Document No.325 of 2018 on 02.03.2018 in the Office of the Sub Registrar, Usilampatti.

2.There appears to be a clause in the particular sale deed, that the father of the petitioner should reconvey the land provided the sale consideration is repaid by the third respondent within a period of three years. Thereafter, the third respondent had also instituted a suit in O.S.No.302 of 2021 as against the father of the petitioner which is now pending before the District Munsif Court,



Usilampatti. In the meanwhile, the father of the petitioner had executed a gift deed on 29.11.2021 which has also been registered as Document No.2917 of 2021 again in the Office of the Sub Registrar at Usilampatti. Claiming title on the basis of such gift deed, the petitioner had given an online application to the second respondent seeking patta.

3.Heard Mr.A.Mithun Chakravarthi, learned counsel for the petitioner and Mr.N.Satheeshkumar, learned Additional Government Pleader, who had taken notice on behalf of the first and second respondents. In view of the nature of the order passed, notice is not directed to the third respondent.

4.It would only be appropriate that the second respondent/The Zonal Deputy Tahsildar, Usilampatti Taluk, makes an enquiry on the application of the petitioner, issues notice to Athisivan, the father of the petitioner, issues notice to the third respondent, Vijayakumar S/o Muthuramalingasami, residing at Jothilnaikanur Village, Madurai District and makes necessary enquiries and if satisfied proceed to grant patta and if not satisfied pass an order giving reasons. The entire exercise may be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5.With the above observations, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sjj

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Tahsildar,
Usilampatti Taluk,
Madurai District.
- 2.The Zonal Deputy Tahsildar,
Usilampatti Taluk,
Madurai District.

+1 CC to M/s.SPL.GP (SR-2588[F] dated 27/01/2022)

W.P. (MD) No.1063 of 2022
25.01.2022