



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2022

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P (MD) .No.2867 of 2022

Ramakrishnan

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Mangalam Village,
Sivakasi,
Virudhunagar District.

2.The Tahsildar,
Sivakasi,
Virudhunagar District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents to issue patta pursuant to the representation dated 25.12.2021.

For Petitioner : Mr.T.Palanisamy

For Respondents : Mr.B.Saravanan
Additional Government Pleader

Mr.Mohammed Sherbudeen for Rival Party
namely Mr.Muthusamy

ORDER

This writ petition has been filed for Mandamus seeking for direction to consider the petitioner's application dated 25.12.2021, seeking for issuance of patta in his name for the property situated in Mangalam Village in Ayan Punja Survey No.1405/2 to an extent of 0.40.5 ares, within a time frame to be fixed by this Court.

2.Heard Mr.T.Palanisamy, learned counsel appearing for the petitioner, Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the respondents and Mr.Mohammed Sherbudeen, learned Counsel appearing for one rival party namely Mr.Muthusamy.



3.By consent of both parties, this writ petition is taken up for final hearing at the admission stage itself.

4.The petitioner claims that by virtue of a settlement deed executed by his father Muniyandi on 22.03.2016, he has become the owner of the aforementioned property. He has also stated in the affidavit that patta No.1231 stands in the name of his father Muniyandi. He has submitted an application on 25.12.2021 with the respondents seeking for issuance of patta in his name for the aforementioned property. The said application has not been considered till date. In such circumstances, he has filed this writ petition.

5.The petitioner has filed documents along with the writ petition to show that he is entitled for grant of patta in his name. The settlement deed executed in his favour and patta No.1231 standing in the name of petitioner's father Muniyandi has also been produced. The petitioner has submitted an application dated 25.12.2021, with the second respondent seeking for issuance of patta.

6.No prejudice will be caused to the respondents if the petitioner's application is decided on merits and in accordance with law, after affording a fair hearing to the petitioner as well as any other person who are interested on the very same property. Today before this Court learned counsel namely Mr.Mohamed Sherbudeen, representing one Muthusamy, submits that the said Muthusamy is also interested in the very same property and he seeks time to file an intervention application in this writ petition.

7.This Court is of the considered view that if at all the said Muthusamy or any other person is interested in the very same property, for which, the patta is sought for by the petitioner, they can very well approach the Tahsildar, stating their objections as and when the petitioner's application seeking for issuance of patta, is considered on merits and in accordance with law. Therefore, there is no necessity for any intervention application being filed in this writ petition.

8.For the forgoing reasons, this Court directs the second respondent to consider the petitioner's application dated 25.12.2021, seeking for issuance of patta in his name for the property in Mangalam Village in Ayan Punja Survey No.1405/2 to an extent of 0.40.5 ares bearing patta No.1231 and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary parties, who are also staking claim over the very same property, within a period of twelve weeks from the date of receipt of a copy of this order.



9. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD I)

// True Copy //

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/ /2022

Sub Assistant Registrar(CS)

TM

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 Revenue Divisional Officer,
Mangalam Village,
Sivakasi,
Virudhunagar District.

2. The Tahsildar,
Sivakasi,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-6534[F] dated 16/02/2022)

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MGJ(01.03.2022) 3P 4C