



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.3299 of 2022

Henry Samyraj

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Dindigul Revenue,
Dindigul,
Dindigul District.

2.The Thasildar,
Dindigul East Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent to conduct enquiry and issue separate patta under patta pass book Act based on the petitioner's application No.2021/0105/13/240351 vide Can No.0331311139565 dated 30.10.2021.

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents : Mr.M.Lingadurai

Special Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to conduct enquiry and issue separate patta in the name of the petitioner based on the petitioner's application dated 30.10.2021 within a time frame to be fixed by this Court.

2.It is the case of the petitioner that he is the absolute owner of the property bearing S.No.51/24 (12 cents), S.No.52/22 (3 cents) and S.No.220/10 (26 cents) at Madur Village, Dindigul Taluk, Dindigul District, he having got the same under a Will dated 14.05.1969 executed by his grandfather. According to the petitioner, patta presently stands in the name of his father, himself and his paternal uncle. According to him since he is the absolute owner of the aforementioned property, separate patta will have to be issued in his favour for the said property. He has submitted an application on 30.10.2021 with the second respondent seeking for issuance of separate patta. Since the said application has not been considered till date, he has filed this writ petition.



3.Heard Mr.S.Sarvagan Prabhu, learned Counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents.

4.No prejudice would be caused to the respondents if the petitioner's application seeking for issuance of a separate patta for the aforementioned property is considered on merits and in accordance with law by the second respondent after affording a fair opportunity of hearing to the petitioner as well as any other rival claimants including the persons in whose name presently the patta stands.

5.The petitioner claims issuance of a separate patta in his name for the aforementioned property. Accordingly, this Court directs the second respondent to consider the petitioner's application dated 30.10.2021 seeking for issuance of a separate patta for the property comprised in S.No.51/24 (12 cents), S.No.52/22 (3 cents) and S.No.220/10 (26 cents) at Madur Village, Dindigul Taluk, Dindigul District and pass final orders on merits and in accordance with law after affording a fair opportunity of hearing to the petitioner and other rival claimants including the persons in whose name presently the patta stands within a period of twelve [12] weeks from the date of receipt of a copy of this order.

6.With the aforesaid direction, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

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,
Dindigul Revenue,
Dindigul,
Dindigul District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Thasildar,
Dindigul East Taluk,
Dindigul District.

+1 CC to M/s.S.SARVAGANPRABHU, Advocate (SR-7893[F]
dated 22/02/2022)

+1 CC to M/s.SPL GP (SR-8329[F] dated 24/02/2022)

ORDER MADE IN
W.P. [MD]No.3299 of 2022
22.02.2022

NSN (CO)
GC (05.03.2022) 3P 5C