



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.02.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3408 of 2022

and

W.M.P.[MD]No.2984 of 2022

WEB COPY

C.Thangaraj

... Petitioner

/Vs./

1.The District Collector,
Madurai District,
Madurai.

2.The Thasildhar,
Melur Taluk,
Madurai District.

3.C.Sethu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to forbear the 2nd respondent from issuing a joint patta in the name of the 3rd respondent in respect of the petitioner's property comprised in S.No.166/5, 163/3C, 166/9C, 167/4A, 4C, 63/4A, 62/5A, 61/1B, 93/4D and 465/6A in Kurichipatti Village, Melur Taluk, Madurai District, without giving a hearing opportunity to petitioner.

For Petitioner : Mr.R.Surianarayanan

For R1 & R2 : Mr.D.Sasikumar

Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to forbear the 2nd respondent from issuing a joint patta in the name of the 3rd respondent in respect of the petitioner's property comprised in S.No.166/5, 163/3C, 166/9C, 167/4A, 4C, 63/4A, 62/5A, 61/1B, 93/4D and 465/6A in Kurichipatti Village, Melur Taluk, Madurai District, without giving a hearing opportunity to petitioner.

2.It is the case of the petitioner that the aforementioned properties have been allotted to him under an oral partition. The third respondent is his brother. It is contended by the petitioner that the third respondent is attempting to get a joint patta in his name for the aforementioned properties, though the properties are absolutely owned by the petitioner. In such circumstances, he has given a representation dated 31.01.2022 to the official respondents to forbear them from issuing joint patta in favour of the third



respondent for the aforementioned properties. Since the representation has not been considered till date, the petitioner has filed this writ petition.

3. Heard Mr.R.Surianarayanan, learned counsel appearing for the petitioner and Mr.D.Sasikumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2.

4. The learned Additional Government Pleader appearing for the official respondents would submit, on instructions that though the third respondent has already filed an application seeking for issuance of joint patta for the aforementioned properties, the second respondent is willing to consider the objections raised by the petitioner in the enquiry proceedings with regard to the request made by the third respondent for issuance of joint patta in his name. The said statement is recorded.

5. No prejudice would be caused to the respondents, if the petitioner's objections with regard to grant of joint patta for the aforementioned properties in the name of the third respondent, is considered on merits and in accordance with law.

6. Accordingly, this Court directs the second respondent to consider the petitioner's objections with regard to the request made by the third respondent for issuing joint patta in his name for the property comprised in S.No.166/5, 163/3C, 166/9C, 167/4A, 4C, 63/4A, 62/5A, 61/1B, 93/4D and 465/6A in Kurichipatti Village, Melur Taluk, Madurai District, including granting him right of personal hearing and only thereafter, decide as to whether the third respondent is entitled for patta or not.

7. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 District Collector,
Madurai District,
Madurai.

2.The Thasildhar,
Melur Taluk,
Madurai District.

+1 CC to M/s.SPL GP (SR-8319[F] dated 24/02/2022)

order made in

W.P. [MD]No.3408 of 2022

Dated:

23.02.2022

IMS (CO)

GC(11.03.2022) 3P 4C