



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.4763 of 2022

C.Mayavan

... Petitioner

Vs.

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

2.The Tahsildar,
Dindigul West Taluk Office,
Dindigul Taluk,
Dindigul District.

...Respondents

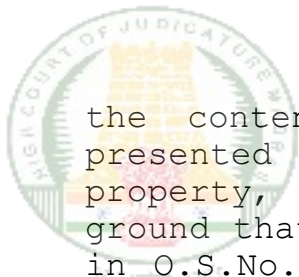
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the second respondent to consider the petitioner's representation dated 13.09.2021, for issuance of patta by taking into account of this Court order dated 13.07.2021 made in W.P.(MD).No.11561 of 2021 and same was confirmed in W.A.(MD).No.1567 of 2021 order dated 16.08.2021 and consequently directing the second respondent to issue patta in the name of petitioner in respect of property comprised in S.No.590/9, 10, 11, Chettinaickenpatti Village, Dindigul Taluk and District by considering the sale deed Document No.4559/2021, within a stipulated time that may be fixed by this Court.

For Petitioner	:	Mr.M.Saravanakumar
For Respondents	:	Mrs.S.Jeyapriya, Government Advocate.

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the second respondent to consider the petitioner's representation dated 13.09.2021 seeking for issuance of patta in his name in the light of the order dated 13.07.2021 passed in W.P.(MD). No.11561 of 2021 and confirmed by the Division Bench of this Court in W.A.(MD).No.1567 of 2021 by order dated 16.08.2021.

2. According to the petitioner, he is the absolute owner of the property comprised in Survey Nos.590/9, 10, 11, Chettinaickenpatti Village, Dindigul Taluk, Dindigul District, having purchased the same under the sale deed registered as Document No.4559/2021. It is



the contention of the petitioner that earlier, the petitioner presented the sale deed for registration for the aforementioned property, which was returned by the Registration Department on the ground that there is a civil suit pending on the very same property in O.S.No.53 of 2016 on the file of the Principal District Munsif Court, Dindigul. However, the same was challenged by the petitioner in W.P.(MD).No.11561 of 2021. By order dated 13.07.2021 passed in W.P.(MD).No.11561 of 2021, this Court issued a Mandamus directing the Registration Department to register the document on the ground that the suit is only bare injunction suit. Aggrieved by the same, the rival claimant preferred Writ Appeal before the Division Bench of this Court in W.A.(MD).No.1567 of 2021. By order dated 16.08.2021 passed in W.A.(MD).No.1567 of 2021, the order of the learned Single Judge was upheld. Therefore, according to the petitioner, there is no prohibition for the respondents to issue patta in the name of the petitioner.

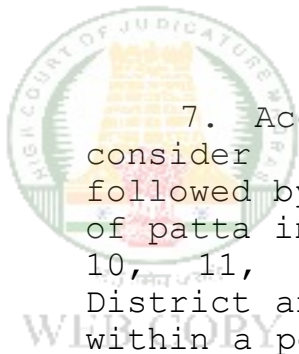
3. The petitioner has submitted an online application for issuance of patta on 06.08.2021. Thereafter, he has also submitted a representation on 13.09.2021 for issuance of patta in his name. Since the said application has not been considered till date, he has filed this Writ Petition.

4. Heard Mr.M.Saravanakumar, learned counsel for the petitioner and Mrs.S.Jeyapriya, learned Government Advocate, who accepts notice on behalf of the respondents.

5. The petitioner has filed the following documents along with this Writ Petition:

- a) Copy of the plaint and written statement filed in O.S.No.53 of 2016 on the file of the Principal District Munsif Court, Dindigul,
- b) Copy of the sale deed dated 01.03.2021 standing in the name of the petitioner,
- c) Copy of the order dated 13.07.2021 passed in W.P.(MD).No.11561 of 2021,
- d) Copy of the order dated 16.08.2021 passed by the Division Bench of this Court in W.A.(MD).No.1567 of 2021 and
- e) Copy of the online application for patta dated 06.08.2021.

6. It is for the respondents to consider the aforementioned documents before passing any final order on the petitioner's online application seeking for issuance of patta in his name. No prejudice would be caused to the respondents, if the petitioner's online application is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the rival claimants, whom the second respondent deems fit to enquire.



7. Accordingly, this Court directs the second respondent to consider the petitioner's online application dated 06.08.2021 followed by his representation dated 13.09.2021 seeking for issuance of patta in his name for the property comprised in Survey Nos.590/9, 10, 11, Chettinaickenpatti Village, Dindigul Taluk, Dindigul District and pass final orders on merits and in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner and other rival claimants, whom the second respondent deems fit to enquire.

8. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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,
Collectorate, Dindigul District.

2.The Tahsildar,
Dindigul West Taluk Office,
Dindigul Taluk, Dindigul District.

+1 CC to M/s.M.SARAVANAKUMAR, Advocate (SR-12798[F] dated 17/03/2022)

+1 CC to M/s.SPL GP (SR-12963[F] dated 18/03/2022)

**W.P. (MD) .No.4763 of 2022
17.03.2022**

nsn(CO)

TR(28.03.2022) 3P 5C