



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD)No.6356 of 2022

S.Rajendran

... Petitioner

Vs.

1.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Ambasamudram,
Tirunelveli District.

3.The Tahsildar,
Taluk Office,
Cheranmahadevi Taluk,
Tirunelveli District.

4.S.Sundarajan

... 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 2nd respondent herein to consider the representation of the petitioner dated 14.03.2022 and to pass order thereon within a stipulated period of time to be fixed by this Court.

For Petitioner : Mr.M.Thirunavukkarasu

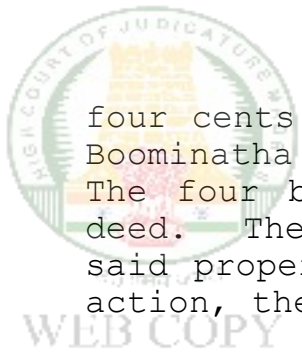
For Respondents : Mr.N.Ramesh Arumugam,
Government Advocate for R1 to R3

Mr.R.Ponkarthikeyan for R4

ORDER

Heard the learned counsel for the writ petitioner, the learned Government Advocate for the respondents 1 to 3 and the learned counsel for the fourth respondent.

2.The writ petitioner and the fourth respondent are brothers. There was a partition among the members of the family as early as on 21.04.1975. The petitioner was a minor by then. He was allotted



four cents of land in old S.No.196/1 in North Veeravanallur Town in Boominatha Swamy Temple South Masi Street, Cheranmahadevi Taluk. The four boundaries have also been set out in the said partition deed. The petitioner wants individual patta to be issued for the said property. Since the third respondent has not taken effective action, the present writ petition came to be filed.

3. When the matter was taken up for hearing, the learned counsel for the fourth respondent submitted that the petitioner is seeking patta in respect of S.No.1529/16. The learned counsel for the fourth respondent would point out that he had already executed a settlement deed in favour of his son namely, Kannan, who had filed a suit in O.S.No.36 of 2022 on the file of the Sub Court, Ambasamduram. The suit schedule pertains to S.No.1529/16 equivalent to Old S.No.630/4A1B. His specific contention is that since the Civil Court is seized of the matter, the revenue authorities cannot go into the issue. His further contention is that the old S.No.196/1 does not correlate to S.No.1529/16. He called for dismissal of the writ petition.

4. After carefully considering the rival contentions, I am satisfied that the petitioner was in fact allotted four cents of land in Old S.No.196/1 in North Veeravanallur Town. It is not the case of the fourth respondent that the petitioner sold the property allotted to him under the partition deed dated 21.04.1975 to him. Therefore, there cannot be any opposition for the writ petitioner to seek patta for the land allotted to him under the said partition deed.

5. Since there is a serious contest regarding correlation, I leave the issue entirely open. It is for the second respondent to find out the present survey number. In other words, patta can be granted for the survey number which correlates to old survey No.196/1. I make it clear that I have not gone into the dispute as to what is the present survey number that correlates to the old survey number. This exercise shall be completed by the second respondent within a period of three months from the date of receipt of a copy of this order. The third respondent will hear both the writ petitioner as well as the fourth respondent or his nominee before passing the final order. It is seen that after obtaining settlement from the fourth respondent, his son namely Kannan had executed a settlement deed in favour of his wife namely, Soniya. The said Soniya had filed O.S.No.219 of 2019 on the file of the Sub Court, Ambasamduram against the fourth respondent. The suit has been decreed. The petitioner would characterize the said suit as collusive in nature. The fourth respondent had remained ex-parte in the said suit. Since the writ petitioner is not a party to the said suit, the second respondent will not be swayed by the said decree dated 28.08.2020 in O.S.No.219 of 2019 on the file of the Sub Court, Ambasamduram.



6.The writ petition is disposed of with the aforesaid directions. No costs.

Sd/-

Assistant Registrar (RTI)

// 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 Revenue Officer,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Ambasamudram,
Tirunelveli District.
- 3.The Tahsildar,
Taluk Office,
Cheranmahadevi Taluk,
Tirunelveli District.

+1 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-24745[F] dated 09/06/2022)

+1 CC to M/s.M.THIRUNAVUKKARASU, Advocate (SR-24701[F] dated 09/06/2022)

+1 CC to M/s.SPL.GP (SR-24879[F] dated 09/06/2022)

W.P (MD) No. 6356 of 2022
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SS(20/06/2022) 3P 7C