



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.8103 of 2022

Kandhan

... Petitioner

Vs.

The Tahsildar,
Kallikudi Taluk,
Thirumangalam,
Madurai District.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to conduct enquiry and issue separate patta on the basis of petitioner's representation dated 19.07.2019.

For Petitioner : Mr.A.Srinivasan
For Respondent : Mr.M.Lingadurai,
Special Government Pleader.

ORDER

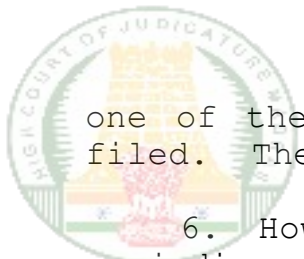
This Writ Petition has been filed for a Mandamus seeking for a direction to the respondent to conduct enquiry and issue separate patta in favour of the petitioner for the properties mentioned in the petitioner's representation dated 19.07.2019 within a time frame to be fixed by this Court.

2. The petitioner claims that he is the owner of the properties mentioned in his representation dated 19.07.2019 seeking for separate patta in his name. He also claims that he is in possession of the said properties. He has submitted a representation seeking for separate patta in his name for the said properties on 19.07.2019 with the respondent. Since the said representation has not been considered till date, he has filed this Writ Petition.

3. Heard Mr.A.Srinivasan, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondent.

4. The petitioner has filed documents along with the Writ Petition to substantiate his claim that he is entitled for separate patta for the properties mentioned in his representation dated 19.07.2019.

5. The learned Special Government Pleader appearing for the respondent would submit that on perusal of the documents filed along with the Writ Petition, the family arrangement entered into between the petitioner and his brothers has been disputed subsequently by



one of the brothers and a civil suit for partition has also been filed. The said statement is recorded.

6. However, this Court is of the considered view that no prejudice would be caused to the respondent, if the petitioner's representation seeking for issuance of separate patta is considered on merits and in accordance with law after affording a fair hearing to the petitioner and the other brothers and sisters of the petitioner including granting them the right of personal hearing.

7. For the foregoing reasons, this Court directs the respondent to consider the petitioner's representation dated 19.07.2019 seeking for issuance of separate patta in his name in respect of the properties mentioned in the said representation and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the other brothers and sisters of the petitioner and any other necessary party, whom the respondent deems fit to enquire, including granting them the right of personal hearing, within a period of four (4) months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

To

The Tahsildar,
Kallikudi Taluk,
Thirumangalam,
Madurai District.

+1 CC to M/s.A. SRINIVASAN, Advocate (SR-21828[F] dated 27/04/2022)

+1 CC to M/s.SPL.GP (SR-22368[F] dated 28/04/2022)

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26.04.2022

SJ(CO)

KB(17.05.2022) 2P 4C