



W.P(MD)No.9765 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9765 of 2020

G.Raju

... Petitioner

Vs.

- 1.The District Collector,
Collectorate, Raja Colony,
Trichirappalli District,
Tamil Nadu-620001.
- 2.The District Revenue Officer,
Collectorate, Raja Colony,
Trichirappalli District,
Tamil Nadu-620001.
- 3.The Revenue Divisional Officer,
The Revenue Divisional Office, Paramasivapuram,
Lalgudi,
Tiruchirappalli District.
- 4.The Tahsildar,
Manachanallur,
Trichirappalli District.
- 5.G.Natesan
- 6.G.Dhanapal
- 7.Kasinathan

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order dated 18.04.2018 passed by the second respondent in Na.Ka.A5/29555/2015 and quash the same and to direct the respondents 1 to 4 to issue a joint patta in the names of the petitioner and his brothers (respondents 5 and 6) as per the legal heir certificate dated 19.09.1997.

For Petitioner : Mr.Sheena Palanivelu

For R1 to R4 : Mr.K.Balasubramani
Special Government Pleader

For R5 to R7 : no appearance

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for R1 to R4. Though R5 to R7 have been served and they have entered appearance through counsel, there is no appearance on their behalf.

2. The case of the petitioner is that patta in respect of as many as 29 items stood in the name of Govindapillai/father of the petitioner, R5 & R6. Though in respect of 23 items, patta is in the joint names of the legal heirs of Govindapillai, in respect of following six items namely survey Nos.17/4, 45/3A, 103/6, 582/12, 582/23 and 238/1A in Siruppathur village, patta is



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reflecting the name of Natesan / fifth respondent herein. The specific stand of the writ petitioner is that no partition had taken place among the legal heirs of Govindapillai.

3. If according to the private respondents, partition had taken place and that is why, individual patta was issued in respect of the aforementioned land, then, that is the matter for adjudication. The revenue authority cannot obviously go into the issue as to whether oral partition had taken place or not. Till the jurisdictional civil Court grants decree or declaration that there was oral partition among the legal heirs of Govindapillai or if consensus has arrived at among them, the revenue authority will have to necessarily indicate the names of the legal heirs of Govindapillai as pattadhars.

4. The petitioner however clarifies that the property comprised in Survey No.54/1 in Siruppathur Village stood only in the name of Mookappillai and therefore, he has no claim thereon.

5. The impugned order is set aside. It is directed that the revenue record in respect of the aforementioned six items will reflect the names of all the legal heirs of late Govindapillai.



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6. The Writ Petition is allowed accordingly. No costs.

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25.07.2022

Index : Yes / No

Internet : Yes/ No

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G.R.SWAMINATHAN, J.

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