



W.P.(MD).No.22505 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.22505 of 2022

N.Chithravelu

... Petitioner

vs.

1.The Revenue Divisional Officer,
O/o. the Revenue Divisional Office,
Ramanathapuram,
Ramanathapuram District.

2.The Tahsildar,
Tiruvadanai Taluk,
Tiruvadanai,
Ramanathapuram District.

3.Durairaj

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to issue patta for his house site property situated in Alagumadi Village, Anjukottai Group, Tiruvadanai Taluk, Ramanathapuram District purchased by his father viz., Nachakutty vide registered sale deed bearing Document No.3898 of 1952, dated 07.11.1952 on the file of Tiruvadanai



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Sub Registrar Office, based on the petitioner's representation, dated 04.07.2022 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For R1 & R2 : Mr.C.Satheesh

Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to issue Patta for his house site property situated in Alagumadi Village, Anjukottai Group, Tiruvadanai Taluk, Ramanathapuram District purchased by his father viz., Nachakutty vide registered sale deed bearing Document No.3898 of 1952, dated 07.11.1952, on the file of Tiruvadanai Sub Registrar Office, based on the petitioner's representation, dated 04.07.2022.

2. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.



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3. The case of the petitioner is that the petitioner's father viz., Natchakutty purchased a house site property from one Veeraiah Nainar vide registered sale deed in D.No.3898 of 1952, dated 07.11.1952. After his death, the petitioner is in possession and enjoyment of the same. While so, the third respondent claims the said property without any valid documents. In order to ascertain the ownership of the property, the petitioner has made an application under RTI Act to the respondents 1 and 2 requesting them to furnish details about the ownership of the property. On 14.07.2022, the information officer replied that the property is in the name of Durairaj, the third respondent herein in the revenue records and to furnish a copy of the Adangal instead of issuing Patta. Hence, the petitioner has made a representation to the respondents 1 and 2 requesting them to issue Patta for the said property, based on the registered sale deed dated 07.11.1952. Since the respondents 1 and 2 have not taken any steps to issue Patta to the petitioner, the present writ petition has been filed.



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4. The learned Government Advocate appearing for the respondents 1 and 2 has produced the instruction given by the Tahsildar in Na.Ka.P6/4639/2022, dated 25.06.2022, wherein it is found that the petitioner viz., N.Chithravelu, S/o.Natchakutty having lands at Anjukottai Group in Natham S.No.81/1 to an extent of 00480 sq.m. and Patta No.185 has been issued in favour of the petitioner. The property in Natham S.No.81/6 to an extent of 00475 sq.m., stands in the name of the third respondent Durairaj, S/o.Subbiah Udayar and Patta No.612 has been issued in favour of the third respondent. The Natham S.No.81/7, in which there is no Adangal in the name of the petitioner and in that, a tiled house has been constructed by the petitioner herein. Regarding Natham S.No.81/7, the petitioner's father has purchased the same from one Veeraya Nayinar, S/o. Arunachala Nayinar and he also purchased the S.No.81/1 from one Mangayee, D/o. Veeaya Udayar, W/o. Velu Udayar. The third respondent has purchased the land in Natham S.No.81/6 in Document No.192/1990 from one Mangayee, D/o. Veeraya Udayar, W/o. Velu Udayar. Hence, both the properties situated adjacent to each and the



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petitioner has stated that as the third respondent is working in the said Survey Department, he has manipulated the revenue records and encroached the petitioner's land in S.No.81/1.

5. The learned Government Advocate would further submit that the Revenue Divisional Officer, Ramanathapuram seized up the matter in Na.Ka.A2/890/2022 and the enquiry is pending. He would further submit that the Revenue Divisional Officer would pass appropriate orders, after hearing the parties and the Court can pass appropriate orders regarding the same and the Court can fix the time in which the enquiry to be conducted, based on the documents being produced by both the parties. Accordingly, the petitioner's representation dated 04.07.2022 has been taken on record by the said Revenue Divisional Officer, who will call for an enquiry and both the parties can appear before the authorities and after receipt of the documents, the same can be decided by the authorities and pass appropriate orders within a period of sixteen weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition is disposed of. No costs.

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Index: Yes/No
Internet: Yes/No

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