



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.22080 of 2021

D.Sasikumar

.. Petitioner

Vs

1.The District Collector,
Ramanathapuram District.

2.The Tahsildar,
Muthukulathur Taluk,
Ramanathapuram District.

3.R.Subbulakshmi

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 and 2 to issue joint patta in the name of the petitioner and his two sisters in the light of the Award, dated 10.12.2016, passed by the Lok-Adalath Court, Additional District Court (FTC) Paramakudi, in Legal Aid case No.88/2016 arising out of A.S.No.4/2011 by considering the online Application of the petitioner, dated 06.11.2020 and his representation, dated 01.05.2021.

For Petitioner : Mr.R.Gowrishankar
For Respondents : Mr.M.Lingadurai for R1 & R2
Special Government Pleader
Mr.C.Gangai Amaran for R3

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 and 2 to issue joint patta in the name of the petitioner and his two sisters in the light of the Award, dated 10.12.2016, passed by the Lok-Adalath Court, Additional District Court (FTC) Paramakudi, in Legal Aid case No.88/2016 arising out of A.S.No.4/2011 by considering the online Application of the petitioner, dated 06.11.2020 and his representation, dated 01.05.2021, within a time frame to be fixed by this Court.

2.The petitioner claims ownership of the property based on a Lok Adalat Award, dated 10.12.2016, which has also been converted into a Court decree passed by the Additional District Court, (FTC), Paramakudi in Legal Aid Case No.88 of 2016, arising out of A.S.No.4 of 2011. As seen from the affidavit filed in support of the writ petition, there seems to be rival claims apart from the third respondent. The petitioner has applied for patta for the subject



property on 06.11.2020 and has also submitted a representation on 01.05.2021 for the said purpose. Admittedly, the said application has not been considered till date.

3.Heard Mr.R.Gowrishankar, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader, appearing for the respondents 1 and 2 and Mr.C.Gangai Amaran, learned counsel for the 3rd respondent.

4.No prejudice will be caused to the respondents if the petitioner's application is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the third respondent as well as any rival claimant, whom the second respondent deems fit to enquire.

5.For the foregoing reasons, this Court directs the second respondent to consider the petitioner's online application, dated 06.11.2020, seeking for issuance of patta in favour of the petitioner for the property comprised in S.No.26/1, measuring an extent of 84 cents at Keelamuthukulathur Village, Muthukulathur Taluk, Ramanathapuram District and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the third respondent as well as any rival claimant, whom the second respondent deems fit to enquire, within a period of twelve weeks from the date of receipt of a copy of this order. The order has been passed in this writ petition without prejudice to the rights and contentions of any rival claimant in the appeal suit in A.S.No.4 of 2011.

6.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

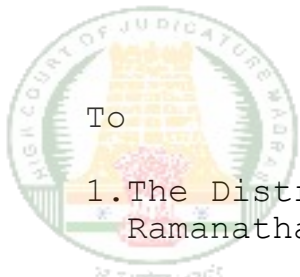
// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

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 Collector,
Ramanathapuram District.

2.The Tahsildar,
Muthukulathur Taluk,
Ramanathapuram District.

+1 CC to M/s.C. GANGAI AMARAN, Advocate (SR-18667[F]
dated 13/04/2022)

+1 CC to M/s.R. GOWRISHANKAR, Advocate (SR-18725[F]
dated 13/04/2022)

+1 CC to M/s.SPL.GP. (SR-18863[F] dated 13/04/2022)

W.P. (MD) No.22080 of 2021

12.04.2022

ARK(CO)

GC(27.04.2022) 3P 6C