



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED 02.11.2022**

**CORAM**

**THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN**

**W.P(MD)No.24053 of 2022**

V.Thirupathi

..Petitioner

**Vs**

1.The Revenue Divisional Officer,  
Virudhunagar,  
Virudhunagar District.

2.The Tahsildar,  
Rajapalayam Taluk,  
Virudhunagar District.

..Respondents.

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to dispose of the Petitioner's appeal petition, dated 14.6.2022 seeking to issue patta in favour of the Petitioner in respect of the property bearing Survey No.1/5, situated at Pudhupalayam Village, Rajapalayam Taluk, Virudhunagar District measuring 1 acre.

For Petitioner :Mr.R.J.Karthick

For Respondents:Mr.D.Gandhiraj  
1 and 2 Special Govt.Pleader

**ORDER**

The Petitioner has filed this Writ Petition seeking issuance of a Writ

of Mandamus directing the first respondent to dispose of the Petitioner's



appeal petition, dated 14.6.2022 seeking to issue patta in favour of the Petitioner in respect of the property bearing Survey No.1/5, situated at Pudhupalayam Village, Rajapalayam Taluk, Virudhunagar District measuring 1 acre.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The case of the Petitioner is that the above mentioned property belongs to him by virtue of sale deed, dated 15.6.2020, executed by one Ramamoorthy.The patta stood in the name of his vendor. Thereafter the Petitioner has applied for transfer of patta and also paid necessary fees for the same and the same has been rejected by the second respondent on 23.11.2021 without assigning any reasons. Subsequently also, the petition filed by the Petitioner was rejected and hence the Petitioner had filed an appeal petition on 14.6.2022 to the first respondent for issuance of patta.The Petitioner, thereafter, has given several representations to the authorities with regard to the same. Since the same was not considered, the Petitioner has come forward with the present Writ Petition for the relief stated supra.

4.The second respondent/Tahsildar, Rajapalayam Taluk,

Virudhunagar District has filed a counter affidavit, in which, in paragraph



No.9 the Village Administrative Officer concerned sent a report stating that S.No.1/5 measuring an extent of 1.71.41 Hectares of Pudupalayam Village, Rajapalayam Taluk, Virudhunagar stands registered in Patta No. 16148 in the name of 1.P.Ramamoorthy 2.S.Sundarapandian, 3,R.Murugesan and 4.P.Ramar Chettiar, old S.No.1/2 measuring 7.46.0 hectares stands registered in the name of Perumal Naicker and six others in Patta No.1061 vide UDR "A" Register. Thereafter S.No.1/2 has been subdivided as 1/5 1.71.41 hectares stands registered in the name of V.Perumal Naicker and six others in Patta No.15470 vide UDR "A" Register. Thereafter, the name of Murugan, son of Thannasi(8), has been included in the above patta vide T.R.No.2018/0103/26/0431945.R, dated 28.7.2018. Thereafter measuring 1.71.41 hectares has been taken to patta No.15930 in the name of Ramasamy Naicker, son of Perumal Naicker vide T.R.No.2020/0103/26/085212.R, dated 3.4.2020. Ramasamy has sold the lands to several persons. The total extent available in S.No. 1/5 is 4 ½ acre. But sale has been done to seven persons at the rate of 1.00 acre. Hence the Village Administrative Officer has suggested that all the 7 individuals may be directed to appear for enquiry and based on the sale deed, sub-division may be made.

4.The Sub-Inspector of Survey had inspected the area and sent his report in Paragraph No.10, wherein, it is stated that S.No.1/5 measuring an extent of 1.71.41 hectares of Pudupalayam Village, Rajapalayam Taluk,



Virudhunagar stands registered in Patta No.16148, in the name of

1.P.Ramamoorthy 2.S.Sundarapandian, 3.R.Murugesan and 4.P.Ramar Chettiar. Prior to one year, patta has been transferred to patta No.15470 in the name of 1.perumal, son of Vaiyar Naicker 2.Ramaiah, son of Perumal Naicker 3.Thangavel, 4.Seeni Ayyanar Naicker 5.Seenivasagam, son of Perumal Naicker 6.Alamelu, wife of Perumal Naicker 7. Perumal, son of Perumal Naicker 8.Murugan, son of Thannasi, thereafter, transferred to patta No.16148, Murugan, son of Thannsi has purchased an extent of 71/.50 cents from 1.Muthuramalingam, son of Muthiah Naicker, 2.Murugan, son of Muthuramalingam vide Document No. 365/2009. He has made stone fencing and 71.50 cents are under his possession. Murugesan, son of Raman Chettiar has purchased an extent of 1.00 acre from Perumal, son of Perumal Naicker vide Document No. 3308/2008, Raman Chettiar has purchased an extent of 1.00 acre from Seeni Naicker, son of Ayyanar Naicker and his legal heirs vide Document No.704/1988. 2.00 acres said to have been purchased by Murugesan is lying waste.

5.The Sub Inspector of Surey has reported in paragraph No.11, that only four acres and 23 cents,(1.71.41 hectare) are available in S.No. 1/5.The total extent of lands registered under sale in S.No.1/5 comes to 6 acre 95 cents(2.81.00 hectares).He has sent the relevant sale documents and F.M.B.



6.From the above, it is seen that the Petitioner's claim was rejected based on his representation on 13.5.2022.The Petitioner preferred an appeal and the same is pending for appropriate orders.

7.The learned Special Government Pleader appearing for the respondents 1 and 2 would submit that the Petitioner's appeal petition will be considered on merits and in accordance with law, within the time frame fixed by this Court.

8.In view of the above submission, the first respondent is directed to consider the appeal petition filed by the Petitioner on 14.6.2022 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of 16 weeks from the date of receipt of a copy of this order.

9.With the above direction, the Writ Petition stands disposed of.No costs.

**02.11.2022**

Index : Yes/No

Internet:Yes/No

vsn

<https://www.mhc.tn.gov.in/judis>



To

1. The Revenue Divisional Officer,  
Virudhunagar,  
Virudhunagar District.

2. The Tahsildar,  
Rajapalayam Taluk,  
**Virudhunagar District.**



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**V.BHAVANI SUBBAROYAN,J**  
vsn

**ORDER MADE IN**  
**W.P(MD)No.24053 of 2022**

**02.11.2022**



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