



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2022

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

WEB COPY

W.P. (MD) .No.23143 of 2021

Ismail,
Represented through Power Agent,
S.Subramanian

... Petitioner

Vs.

- 1.The District Revenue Officer,
Thoothukudi District,
Thoothukudi.
- 2.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.
- 3.The Tahsildar,
Kayathar Taluk,
Thoothukudi District.
- 4.The Zonal Deputy Tahsildar,
Kayathar Taluk,
Thoothukudi District.
- 5.Kadhar Mohideen,
President,
Mohammed Nainar Pallivasal,
Kayathar Taluk,
Thoothukudi 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 third respondent to consider the petitioner's application dated 18.10.2021 and issue a separate patta in respect of S.No.303/1 admeasuring 0.43.0 hectares at Kayathar, Thoothukudi District in favour of petitioner's Power executor Ismail S/o.Ghouse Mohammed within a reasonable time.

For Petitioner : Mr.V.M.Jegadeeshapandian

For R-1 to R-4 : Mr.N.Satheesh Kumar,
Additional Government Pleader.



ORDER

The Writ Petition has been filed in the nature of Mandamus seeking a direction to the third respondent / the Tahsildar, Kayathar Taluk, Thoothukudi District to consider the application of the petitioner, which, in effect, is actually an appeal, dated 18.10.2021. The petitioner seeks a separate patta to be issued with respect to Survey No.303/1 which measures 0.43.0 hectares at Kayathar, Thoothukudi District.

2. The petitioner claims that a separate patta must be given in favour of the Principal of the Agent in favour of the petitioner, Ismail, son of Ghouse Mohammed. Since the said Ismail, son of Ghouse Mohammed is residing in U.S.A, he is represented by his Power Agent. A separate patta, if it is to be granted by the authorities, can be granted only in the name of Ismail.

3. A perusal of the records shows that the properties, after the death of the elder member of the family / the father of the petitioner, had been divided into five schedules. The petitioner herein had got one schedule of the property in Survey No.303/1 at Kayathar, Thoothukudi District. However, patta had been issued in favour of all the legal heirs of the father / Ghouse Mohammed.

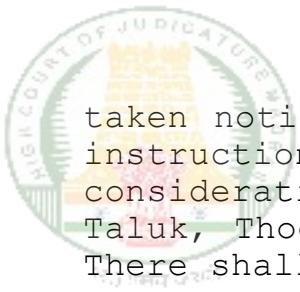
4. Now, the petitioner seeks separate patta. He had originally filed an application before the fourth respondent / The Zonal Deputy Tahsildar, Kayathar Taluk, Thoothukudi District. But the fourth respondent, without conducting any inquiry, according to the learned counsel for the petitioner, had rejected such application. This necessitated the petitioner to file an appeal before the third respondent.

5. An obligation is placed on the third respondent to examine the said appeal in manner known to law, to issue notice not only to the petitioner but also to the fifth respondent / Kadhar Mohideen, who is the President of Mohammed Nainar Pallivasal at Kayathar Taluk, Thoothukudi District and examine whether the lands of the petitioner are exempted and if so, grant separate patta to the petitioner herein.

6. The fact that the petitioner had impleaded the President of Mohammed Nainar Pallivasal is deeply appreciated by this Court and order is passed, even though notice is not directed to the said fifth respondent, keeping in mind the interest of the fifth respondent also.

7. This Writ Petition is disposed of with a direction to the third respondent to examine the said appeal within a period of twelve (12) weeks from the date of receipt of a copy of this order.

<https://hmcourtservices.judiciary.gov.in/hmcourtservices> Mr. S. Suresh Kumar, learned Additional Government Pleader who had



taken notice on behalf of the respondents 1 to 4 also stated that instructions had been received that the said appeal is under active consideration of the third respondent / the Tahsildar, Kayathar Taluk, Thoothukudi District. The said statement is also recorded. There shall be no order as to costs.

WEB COPY

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Revenue Officer,
Thoothukudi District,
Thoothukudi.
- 2.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.
- 3.The Tahsildar,
Kayathar Taluk,
Thoothukudi District.
- 4.The Zonal Deputy Tahsildar,
Kayathar Taluk,
Thoothukudi District.

+1 CC to M/s.SPL.GP (SR-172[F] dated 04/01/2022)

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03.01.2022

AP (20.01.2022) 3P 6C