



W.P(MD)No.7511 of 2016

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.7511 of 2016
and
W.M.P(MD)No.6295 of 2016

K.Kandasamy

... Petitioner

Vs.

- 1.The District Revenue Officer / Additional
District Magistrate,
Ramanathapuram District,
Ramanathapuram.
- 2.The Revenue Divisional Officer / Sub Collector,
Paramakudi,
Ramanathapuram District.
- 3.The Thasildar,
Kadaladi Taluk,
Ramanathapuram District.
- 4.K.Nagarathinam

... Respondents

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 pertaining to the impugned order of the first



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respondent in Pa.Mu.(Pi5)/37562/2013, dated 25.02.2016 and quash the same and consequently direct the respondents to issue joint patta including the name of the petitioner in respect of his ancestral property in Survey No.379/1 to the extent of 78 cents situated at Oruvanenthal Group, Nedungulam Village in Kadaladi Taluk, Ramanathapuram District.

For Petitioner : M/s.K.Radhakrishnan

For R-1 to R-3 : M/s.M.Lingadurai
Special Government Pleader

For R-4 : No appearance

ORDER

The present Writ Petition has been filed challenging an order passed by the first respondent herein, under which, a request for joint patta has been rejected.

2. According to the writ petitioner, the properties originally belonged to his father, N.Karuppaiah Thevar, who had passed away in January 1979. Thereafter, the property in dispute had jointly devolved upon the writ petitioner and his brother, namely, the fourth respondent herein. Hence, the petitioner had made a request to the first respondent



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herein for grant of a joint patta in the name of the petitioner as well as in the name of the fourth respondent herein. However, by way of the impugned order, the first respondent has rejected the said request, on the ground that the fourth respondent is in possession of the property for more than thirty years and hence, a separate patta to be issued in the name of the fourth respondent alone and the petitioner's name cannot be included in the joint patta. This order is under challenge in the present writ petition. Though the fourth respondent has been served and represented through a Counsel, there is no representation on the last two occasions.

3. From the above narrated facts, it is clear that the property originally belonged to one Karuppaiah Thevar, who had passed away in January 1979. The relationship between the petitioner and the fourth respondent as sons of the said Karuppaiah Thevar, is also not disputed. The first respondent herein cannot consider the long possession of the fourth respondent and grant patta in favour of the fourth respondent. It is for the fourth respondent to approach the competent civil Court, in case, if he claims ouster. When the title to the property and the relationship



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between the petitioner and the fourth respondent are not in dispute, the first respondent ought not to have rejected the request for grant of joint patta. The order impugned in the writ petition is set aside. The respondent authorities are directed to issue joint patta in the name of the writ petitioner and the fourth respondent herein.

4. With the above said observations, the writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

27.09.2022

Index : Yes / No
Internet : Yes / No
btr

To

1.The District Revenue Officer / Additional
District Magistrate,
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Ramanathapuram.

2.The Revenue Divisional Officer / Sub Collector,
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R.VIJAYAKUMAR, J.

btr

3.The Thasildar,
Kadaladi Taluk,
Ramanathapuram District.

Order made in
W.P(MD)No.7511 of 2016

27.09.2022