



WEB COPY

W.P. No.32566 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.12.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.32566 of 2023

G.Panneerselvam

... Petitioner

Vs.

1. The District Collector
Tiruvannamalai District
Tiruvannamalai

2. The Tahsildar
O/o. Tahsildar Office
Vembakkam Taluk
Tiruvannamalai District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus after calling for the concerned records relating to the order in Na.Ka.B5/34/2023, dated 29.08.2023 issued by the 2nd respondent and quash the same and consequently direct the respondents to issue separate patta infavour of the petitioner in Survey No.38/3, 34, 143, Grama Punjai, situated at Ambedkar Kudiyiruppu, Mathur Village, Cheyyar Taluk, Tiruvannamalai District, based on the petitioner's representation dated 01.05.2023 and 21.08.2023 and consider the petitioner's representation dated 01.05.2023.



For Petitioner : Mr.M.N.Kathir

For Respondents : Mr.P.Gurunathan
Additional Government Pleader

ORDER

This Writ Petition is filed seeking to issue a writ of Certiorarified Mandamus after calling for the concerned records relating to the order in Na.Ka.B5/34/2023, dated 29.08.2023, issued by the 2nd respondent and quash the same and consequently direct the respondents to issue separate patta in favour of the petitioner in Survey No.38/3, 34, 143, Grama Punjai, situated at Ambedkar Kudiyruppu, Mathur Village, Cheyyar Taluk, Tiruvannamalai District, based on the petitioner's representations dated 01.05.2023 and 21.08.2023.

2. Despite giving sufficient opportunity to the respondents to file counter, the respondents/Government Officials have not filed counter which shows that they are preventing this Court from giving relief to the illiterate occupants which also creates doubt that the officers are expecting monetary benefits from the writ petitioner.



3. It is seen that already the 2nd respondent has inspected the property and based on their enjoyment, joint patta has also been issued. Now the petitioner has applied only for separate patta before the respondents for their land which is in their possession. Subsequent to that, the 2nd respondent's successor has made an observation in the impugned order that there is no registered documents available. The order passed by the predecessor of the 2nd respondent dated 23.10.2004 itself is very clear that based on their occupancy and enjoyment for more than 12 years, they issued the joint patta. Therefore, the successor asking the petitioner to produce unregistered document is arbitrary and unreasonable.

4. Therefore, the rejection order dated 29.08.2023, issued by the 2nd respondent is quashed. The 2nd respondent is directed to conduct enquiry and find out the persons who are all in possession and issue separate patta to each of the occupants.

5. With the above directions, this Writ Petition is Allowed. There shall be no order as to costs.

13.12.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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To

1. The District Collector
Tiruvannamalai District
Tiruvannamalai
2. The Tahsildar
O/o. Tahsildar Office
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Tiruvannamalai District



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P.VELMURUGAN. J.

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