



W.P.(MD) No.2689 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.2689 of 2020

Y.Regina Mary

.. Petitioner

Vs.

1.The District Collector,
O/o. District Collectorate,
Sivagangai District.

2.The District Revenue Officer,
District Revenue Office,
Sivagangai District.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai District.

4.The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.

5.Vedharaj,
Trustee of Mariyayi Kallaraikovil,
Paruthikanmai,
Kalayarkovil,
Sivagangai District.

.. Respondents



W.P.(MD) No.2689 of 2020

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing respondents 2 to 4 to provide Patta to the petitioner based on the earlier order passed by the second respondent in Na.Ka.B1/62409/07 dated 25.09.2008 in respect of subject land extent about 30 cents situated in S.No.98/1A1 at Paruthikanmai Village and Group, Kalaiyarkovil Taluk, Sivagangai District within the time stipulated by this Court.

For Petitioner : Mr.S.Rajasekar
For RR1 to 4 : Mr.A.Sivanupandian
Government Advocate
For R5 : Mr.V.Panneerselvam

ORDER

This writ petition has been filed for the following relief:

“For the issue of a Writ of Mandamus, directing respondents 2 to 4 to provide Patta to the petitioner based on the earlier order passed by the second respondent in Na.Ka.B1/62409/07 dated 25.09.2008 in respect of subject land extent about 30 cents situated in S.No.98/1A1 at Paruthikanmai Village and Group, Kalaiyarkovil Taluk, Sivagangai District within the time stipulated by this Court.”



W.P.(MD) No.2689 of 2020

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2. It is the case of the petitioner that the land situates in S.No. 98/1A1, Paruthikanmai Village and Group, Kalaiyarkovil Taluk, Sivagangai District, measuring a total extent of 72 cents was originally owned by one Aathimoolam Pillai and after his death, his daughter Azhagiya Meenal inherited the same and was in enjoyment of the said property. On 04.09.1984, the fifth respondent viz., Vedharaj, Trustee of St.Mariyayi Kallaraikkoil purchased 40 cents out of 72 cents in the western portion of the above said survey number from Azhagiya Meenal under a registered sale deed and the remaining extent of 32 cents continued with the said Azhagiya Meenal. Azhagiya Meenal died and was survived by her adopted son Ravi and by a sale deed dated 14.09.2012, the petitioner has purchased property to an extent of 30 cents to the eastern side of S.No.98/1A1. Prior to her purchase, her vendor Ravi had obtained a patta with regard to the extent of 32 cents. This order of the third respondent dated 11.08.2005 directing the fourth respondent to mutate the patta in favour of Ravi was challenged by the fifth respondent before the second respondent. After hearing the parties and perusing the records, the second respondent confirmed the order



W.P.(MD) No.2689 of 2020

passed by the third respondent mutating the patta in favour of the petitioner's vendor. Thereafter, the fifth respondent filed a suit for declaration and permanent injunction before the District Munsif, Sivagangai in O.S.No.169 of 2008. It is at this juncture, the petitioner had purchased the property from the said Ravi. He had made application for transferring the patta in his name and it is at this point in time, that the petitioner came to learn that the fifth respondent had got the patta in respect of the entire extent of 70 cents, mutated in their name from that of the original owner Aathimoolam Pillai. Immediately, the petitioner had sent a representation dated 27.05.2019 to the third respondent seeking him to provide the patta including the name of the original owner Aathimoolam Pillai along with the documents relating to the subsequent transfers. However, the third and fourth respondents have not taken any steps in this regard. Therefore, the petitioner has come forward with the present writ petition.

3. The petitioner would submit that the sale deed under which the fifth respondent had purchased the property would clearly show that it



W.P.(MD) No.2689 of 2020

was only an extent of 40 cents that has been purchased by them and further the suit filed by them has only been partially decreed by granting a decree for permanent injunction and the decree for declaration had been denied.

4. Learned counsel for the petitioner would submit that the name of the petitioner's vendor Ravi had been included earlier in the patta by the third respondent which order was also confirmed by the second respondent and therefore, having purchased the property from the said Ravi, patta ought to have been mutated in his favour.

5. Learned counsel for the fifth respondent would submit that in the earlier suit, it has been clearly shown that the petitioner's vendor was not in possession of the property subject matter of the writ petition.

6. Heard the learned counsel appearing for the parties.



W.P.(MD) No.2689 of 2020

WEB COPY

7. Without going into the title of the parties and considering the relief claimed in the writ petition, interests of justice would be *served*, if a direction is issued to the fourth respondent to consider the representation of the petitioner dated 09.01.2020 in the light of the earlier joint patta granted to the fifth respondent and the vendor of the petitioner, the proceedings in O.S.No.169 of 2008 on the file of the District Munsif, Sivagangai, and the sale deed of the respective parties and pass orders regarding the request for grant of joint patta within a period of six weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No costs.

11.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

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W.P.(MD) No.2689 of 2020

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W.P.(MD) No.2689 of 2020

P.T.ASHA, J.

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W.P.(MD) No.2689 of 2020

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