



W.P.(MD) No.11627 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.11627 of 2020

and

W.M.P.(MD) No.10125 of 2020

M.Sankaranarayanan

.. Petitioner

Vs.

1.The District Revenue Officer,
Office of the District Revenue Officer,
Tenkasi District,
Tenkasi-627 811.

2.The Revenue Divisional Officer,
Sankarankovil Revenue Division,
Sankarankovil-627 753,
Tenkasi District.

3.The Tahsildhar,
Sankarankovil Taluk,
Sankarankovil-627 753,
Tenkasi District.

4.S.R.Narayanaraja

5.S.R.Radhakrishna Raja

6.S.R.Baskararaja

.. Respondents

***[RR4 to 6 are impleaded vide Court order dated 02.11.2020 in
W.M.P.(MD) No.11888 of 2020 in W.P.(MD) No.11627 of 2020]***



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Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to add the legal heirs of V.A.T.K.Muthusamy Pandiyan the daughters Kulanthai Rani (1), Radha (2), Meena (3) and Gomathi (4) and the sons Venkatachalapathy (1) and Sankaranarayanan (2) and the petitioner as Joint Pattadars for S.No.138/1 for an extent of 3.20.00 hecets. (7.90 cents) in Vadikottai Revenue Village in Sankarankovil Taluk in Tenkasi District as per the contemplated provisions of Revenue (Board) Standing Order and Patta Passbook Act, within a time frame fixed by this Court.

For Petitioner : Mr.F.X.Eugene

For RR1 to 3 : Mr.J.John Rajadurai
Government Advocate

For RR5 & 6 : Mr.S.Ramesh

ORDER

This writ petition is filed for a mandamus, directing the respondents to include the legal heirs of V.A.T.K.Muthusamy Pandiyan as the joint pattadhars in S.No.138/1 measuring a total extent of 7.90 cents in Vadikottai Revenue Village, Sankarankovil Taluk, Tenkasi District within a time frame.



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2. It is the case of the petitioner that he is the son of one V.A.T.K.Muthusamy Pandiyan. The property originally belonged to the petitioner's grandfather Kattari Pandia Rettakudaiyar, the last Zamindar of Alagapuri Zamin in Tenkasi District. Apart from the Zamin properties, his grandfather was also owning private properties. He had died *intestate* leaving behind him surviving his two sons viz., V.A.T.K.Muthusamy Pandian (petitioner's father) and V.A.T.K.Ramavarma Shanmuga Chidambara Pandia Rettakudaiyar. The properties devolved upon them. As misunderstandings had erupted between the siblings, the petitioner's father had filed a suit in O.S.No.18 of 1959 on the file of the Sub Court, Tuticorin, and a preliminary decree was passed. Thereafter, final decree proceedings were initiated in I.A.No.516 of 1963, which was dismissed for default. The preliminary decree has not been challenged. The petitioner would submit that his father died *intestate* on 18.01.1998 leaving behind him surviving his wife Jeyarani @ Ganapathy Senthatti Veerammal Nachiyar, daughters Kulanthai Rani, Radha, Meena and sons Venkatachalapachy and the petitioner herein, who were jointly entitled to the properties.



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3. The petitioner would submit that recently, he came to learn that the names of the legal heirs of V.A.T.K.Muthusamy Pandiyan were not shown as pattadhars in respect of S.No.183/1, which belongs to both his father and his uncle. There are no transfer deeds executed particularly, since the final decree has not been passed dividing the properties. Therefore, the petitioner made an application for including the names of the legal heirs of V.A.T.K.Muthusamy Pandiyan as co-owners. A representation was made in person as well as in writing to which there was no response constraining the petitioner to move this Court.

4. The petitioner would submit that unless the names of the legal heirs of V.A.T.K.Muthusamy Pandiyan are included as joint pattadhars, the private respondents, who have purchased portions of the property from his uncle, would proceed to alienate the properties.

5. Mr.J.John Rajadurai, learned Government Advocate appearing for respondents 1 to 3 would submit that there appears to be rival claims and therefore, the patta has not been granted.



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6. Mr.S.Ramesh, learned counsel appearing for respondents 5 and 6 would also submit the same.

7. Heard the learned counsel appearing for the parties.

8. Admittedly, the property in question remained undivided between the petitioner's father and the predecessors in title of respondents 5 and 6. The petitioner is not seeking to have an exclusive patta, but seeks to have a joint patta. The petitioner has produced the preliminary decree for partition that his father had obtained against his brother, who is the predecessor in title of respondents 4 to 6. The decree would clearly go to show that the petitioner's father had undivided right in the property which, on his demise, devolves on the petitioner and the other legal representatives of the said V.A.T.K.Muthusamy Pandiyan.

9. In these circumstances, I see no impediment for issuing the joint patta in favour of the petitioner and his siblings. In case, there is any



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objection, it is well open to the parties to move such application as to establish their title to the property. The second respondent is, therefore, directed to issue patta on the basis of the decree in favour of the legal representatives of V.A.T.K.Muthusamy Pandiyan within a period of six weeks from the date of receipt of a copy of this order.

10. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

06.06.2023

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

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P.T.ASHA, J.

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