



WEB COPY



W.P.No.397 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.397 of 2024

and

W.M.P.No.439 of 2024

1.Jeyakumar

2.Thamaraiselvi

... Petitioners

versus

1.The District Collector,
Tiruppur District,
Tiruppur.

2.The Tahsildhar,
Tahsildhar Office/Taluk Office,
Kangeyam, Tiruppur District.

3.The Village Administrative Officer,
Chinna Muthur Village,
Kangeyam, Tiruppur District.

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to issue Patta for the property bearing S.No.82/1 in Chinna Muthur Village, Tiruppur District.

Pg.Nos.1/6



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For Petitioners : Mr.R.Siva
For Respondents : Mr.R.Vigneshwaran
Government Advocate

ORDER

Mr.R.Vigneshwaran, learned Government Advocate accepts notice for the respondents. With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking for issuance of a writ of mandamus, directing the second respondent to issue Patta for the property bearing S.No.82/1 in Chinna Muthur Village, Tiruppur District.

3. It is the case of the petitioners that they have purchased the property in question vide sale deed dated 19.01.2023 registered as Document No.192 of 2023 in the office of Sub Registrar, Vellakovil. The petitioners approached the second respondent for issuance of patta individually and the same was refused by informing that a legal notice dated 29.05.2023 was issued on behalf of one Ponnammal stating that a suit in O.S.No.115 of 2023 in respect of subject property is pending before the III
Pg.Nos.2/6



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Additional District Court, Dharapuram. According to the petitioners, the said suit was instituted only for an extent of 4.35 acres and neither a suit nor any legal proceedings was filed against the petitioners' property. In this regard, the petitioners submitted a detailed representation dated 09.10.2023 to the respondents and vide letter dated 16.10.2023, the first respondent forwarded the said representation to the second respondent with a direction to pass orders on the same. Since no action is forthcoming, the petitioners have filed the present writ petition.

4. Learned counsel for the petitioners submitted that the property purchased by the petitioners is not the subject matter of suit which is said to be pending and therefore the respondents ought not to have refused the application of the petitioners for grant of individual patta. He further submitted that no orders have been passed on the representation of the petitioners despite the direction given by the first respondent.

5. It is seen from the records that the petitioners have not produced either the copy of the Patta Transfer Application or the refusal order passed



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by the Revenue Authorities. Further, no document has been produced in support of the petitioners' claim that the property purchased by them is not the subject matter of pending suit. Therefore, this Court is of the view that the petitioners have no cause of action to file the present writ petition and the same is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. However, there shall be no order as to costs.

7. W.M.P.No.439 of 2024 is ordered on payment of separate Court fees by each of the petitioners.

10.01.2024

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
ms

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To

- 1.The District Collector,
Tiruppur District,
Tiruppur.
- 2.The Tahsildhar,
Tahsildhar Office/Taluk Office,
Kangeyam, Tiruppur District.
- 3.The Village Administrative Officer,
Chinna Muthur Village,
Kangeyam, Tiruppur District.



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P.VELMURUGAN, J.

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