



W.P.No.13019 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 06.08.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.13019 of 2024

N.Umayavan

... Petitioner

VS.

1.The District Collector,
Collector Office Buildings,
Ranipet District,
Ranipet.

2.The District Revenue Officer,
Ranipet District,
Ranipet.

3.The Revenue Divisional Officer,
Arakkonam,
Ranipet District.

4.The Tahsildar,
Nemili,
Ranipet District.

5.The Surveyor,
Uthiramapattu Firka,
Nemili Taluk,
Ranipet District.
Respondents

..



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 3rd respondent O.Mu.B2/3148/2022, dated 21.06.2023 rejecting the request of the petitioner and confirming the order of the 4th respondent in Na.Ka.A1/853/2021, dated 27.09.2022 and quash the same and consequently direct the respondents to issue patta based on the partition deed, dated 01.07.2021 registered in document No.1620 of 2021 on the file of the Sub Registrar, Gingee in favour of the petitioner.

For Petitioner : Mr.N.Palanikumar

For Respondents : Mr.U.Baranidaran
Additional Government Pleader
for R1 to R5

ORDER

The writ petition is filed challenging the order passed by the 4th respondent refusing to grant patta in the name of the petitioner as confirmed by the 3rd respondent/ Revenue Divisional Officer.



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2. According to the petitioner, he is the owner of the land situated in S.Nos.140/6, 140/2, 139/10, 139/19, 595/5. According to the petitioner, the above said land was originally acquired by his grandfather late Nainatha Mudaliar in the year 1936 and after his death, his father Natarajan Mudaliar enjoyed the same. He died on 27.12.2010 leaving behind his wife, three sons and two daughters including the petitioner. Thereafter, on 01.07.2021, a partition had taken place in the family among the legal heirs of the Natarajan Mudaliar. The partition deed was registered in document No.1620 of 2021 on the file of the Sub Registrar, Gingee. The property was shown “C” schedule to the partition deed allotted to the petitioner. Thus the petitioner has been in possession and enjoyment of the above mentioned properties. He made a request to the 4th respondent seeking issue of patta in his name. The 4th respondent has passed an order rejecting the request of the petitioner. Aggrieved by the same, the petitioner preferred an appeal before the 3rd respondent and he affirmed the order passed by the 4th respondent.



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3. The learned counsel for the petitioner vehemently contended that though the petitioner produced registered partition deed in his favour to establish his right over the property in question, the respondents 3 and 4 rejected the request on the ground that the petitioner failed to prove the possession over the property.

4. Against the order passed by the 3rd respondent, the petitioner has got alternative remedy of filing the revision before the second respondent and without availing the said opportunity, the petitioner has come by way of this writ petition. At the time of arguments, the learned counsel for the petitioner also produced the parent title documents namely the sale deed in favour of his grandfather viz., Nainatha Mudaliyar dated 09.12.1936 and the release deed executed by the paternal uncle of the petitioner in favour of his father dated 26.07.1965 and submitted that the petitioner is able to establish his title from the year 1936, therefore, there is no impediment to grant the patta in his name. The old documents of the year 1936 and 1965 have not been produced by the petitioner before the authorities for perusal.



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Therefore, this Court feels the petitioner shall be relegated to avail alternative remedy of revision before the second respondent.

5. In view of the same, the writ petition is disposed of with liberty to the petitioner to avail the alternative remedy of revision before the second respondent. The petitioner is also at liberty to produce the old document along with memorandum of revision before the second respondent. It is also made clear, the petitioner is entitled to exclude the time, during which the writ petition has been pending before this Court [i.e from 30.04.2024 till the date of receipt of a copy of this order], while calculating the limitation for filing revision before the second respondent.

6. Accordingly, this writ petition is disposed of. No costs.

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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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S.SOUNTHAR, J.

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