



W.P.No. 13293 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 13293 of 2024
and W.M.P.Nos. 14440 and 14441 of 2024

1. M.Chandra
2. Venkatesan
3. Srinivasan

...Petitioners

Vs

1. The District Revenue Officer,
Ranipet District, Ranipet
2. The Revenue Divisional Officer/ Sub Collector
Ranipet District, Ranipet
3. The Tahsildar
Walajah Taluk, Ranipet District
4. The Tahsildar
Sholinghur Taluk
Ranipet District

5. K.Vanjiammal

...Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records pertaining to the passing of the impugned order dated 14.07.2023 in mu.mu.d2/8022/2022 passed by the 1st respondent and quash the same, consequently direct the 1st Respondent to hold a fresh enquiry after giving notice to all parties concerned and pass an order in accordance with law within a stipulated time.

For Petitioner	:	Mr.C.Umashankar
For Respondents 1 to 4	:	Mr.A.Selvendran Special Government Pleader
For Respondent 5	:	Mr.B.Gopala Krishnan

ORDER

This writ petition is filed for the following relief:

“To issue a Writ of Certiorarified Mandamus calling for the entire records pertaining to the impugned order dated 14.07.2023 in mu.mu.d2/8022/2022 passed by the 1st respondent and quash the same, consequently direct the 1st Respondent to hold a fresh enquiry after giving notice to all parties concerned and pass an order in accordance with law within a stipulated time”.



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2. It is the case of the petitioners that the property comprised in Survey No.477/1 belonged to their grandfather, Natesan Nayakkar under registered Sale Deeds dated 07.07.1970, 01.03.1973 and 05.09.1984. Under the Sale deed dated 07.07.1970, he had purchased a $\frac{1}{12}$ th share in the well portion. Under the Sale Deed dated 01.03.1973, he had purchased 40 cents of land and under the Sale Deed dated 05.09.1984, he had purchased 38 cents in Survey No.447/1B in which there was a pond and $\frac{1}{2}$ share in the same was purchased by him.

3. It is the case of the petitioners that by reason of these Sale Deeds, their grandfather owned 78 cents of land along with $\frac{1}{6}$, $\frac{1}{8}$, $\frac{1}{12}$ share in the well and pond, in all measuring 93 cents as per the UDR “A” Register in respect of Survey No.477/1B1. After the death of the said Natesan Nayakkar, a partition deed was executed and the petitioners' father was allotted 93 cents of land in Survey No.477/1B1



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in Patta No.474. They would submit that the land in Survey No.477/1 measuring an extent of 3.04 acres was owned by 4 persons, i.e, the petitioners to an extent of 78 cents, the 5th respondent to an extent of 39 cents and the remaining extent was owned by **Rajamanickam**.

4. After the death of the petitioner's father, the petitioners had inherited 93 cents of land in Survey No.477/1B1. The 5th respondent, who is a neighbour, started claiming that she is entitled to a share in the well and was putting pressure on the petitioners to part with the possession of the property in which the well is situate. The petitioners had informed her that she only had 1/8th share in the well whereas the remaining share belonged to the petitioners and Rajamanickam's legal heirs. It appears that the 5th respondent had filed W.P.No.27409 of 2022 for a direction to respondents 1 to 4 to consider her representation for issuing a joint patta in respect of the Survey No.477/1(Patta No.474). This Writ Petition was disposed of by an order dated 14.10.2022 directing the 4th respondent herein to pass orders. The 5th



respondent claimed that her name had to be included in Patta No.474 without clarifying that her 1/8th share in the well as on date was not in existence. The Village Administrative Officer had submitted a report stating that the claim of the 5th respondent lacks clarity and the claim did not specify the extent due to her. The same opinion was taken by the Deputy Tahsildar and Revenue Divisional Officer. However, without appreciating all these aspects, the 1st respondent had passed the impugned order in and by which the name of the 5th respondent was included as a joint pattadhar in Patta No.474. Aggrieved by the same, the petitioner is before this Court.

5. Heard the learned counsels on either side and perused the materials available on record.

6. The grievance of the petitioners is that, by the impugned order, the 1st respondent made the 5th respondent as a joint pattadhar in respect of a larger extent of land whereas she is entitled to only 1/8th



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share in the well. It is therefore very clear that the 1st respondent has not comprehended the claim of the petitioner and has also not taken into consideration the report of the Village Administrative Officer, which has been confirmed by the Deputy Tahsildar and the Revenue Divisional Officer. Even in the impugned order, the 1st respondent contended that the 5th respondent had only a 1/8th share in the well and the appurtenant land. Despite such observation, the 1st respondent has proceeded to grant a joint patta in respect of the entire land comprised in Patta No.474.

7. It is also brought to the notice of this Court that there is no well in existence and now, the entire area is a vacant land, in which the 5th respondent is entitled to a 1/8th share.

8. In the light of the above, the Writ Petition is allowed and the impugned order dated 14.07.2023 is set aside. The 4th respondent is directed to conduct a survey and measure the area in which the well is



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situate as well as the appurtenant land and subdivide the same and thereafter, issue a joint patta as per the Sale Deeds dated 07.07.1970, 01.03.1973 and 05.09.1984 in respect of the newly sub divided land, to the petitioners and the 5th respondent, within a period of 2 months from the date of receipt of a copy of this order. No costs. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
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To,

1. The District Revenue Officer,
Ranipet District, Ranipet
2. The Revenue Divisional Officer/ Sub Collector
Ranipet District, Ranipet
3. The Tahsildar
Walajah Taluk, Ranipet District
4. The Tahsildar
Sholinghur Taluk

7/9



Ranipet District

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P.T.ASHA, J.,

srn

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