



WEB COPY



WP.No.15734 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.15734 of 2024 &

WMP.No.17146 of 2024

1. R.Karunanithi
2. K.Karpagavalli

.. Petitioners

Versus

1. The Revenue Divisional officer,
Thirumangalam, Chennai District.
2. The Tahsildar, Ambattur Taluk Office,
Ambattur, Chennai District.
3. Minor Logeshwaran
Rep. by his mother and Natural Guardian K.Sulochana
4. S.Dakshinamoorthy
5. Minor Kumaresan
Rep. by his father and natural guardian S.Saravanamurthy

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to impugned order namely in Na.Ka. 1290/2023/C2 dated 03.07.2023 passed by the second Respondent quash the same and direct the second



WP.No.15734 of 2024

Respondent to issue separate patta (C-Schedule) to the petitioners herein in S.No. 603/2A4A Ambattur Village(1/4th share out of 5196 sq.ft).

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.P.Sathish
Additional Government Pleader – R1 & R2

Mr.Saranraj – R4

Mr.N.Sraravanan – R5

R3 – No appearance

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The impugned order of the second respondent is put in challenge before this Court as the application for issuance separate patta to the petitioners has been rejected on the ground that since some portion of the property is a building, separate patta cannot be issued.

3. Heard learned counsel for the petitioners and the learned Additional Government Pleader appearing for the first and second respondents



WP.No.15734 of 2024

and the learned counsel appearing for the fourth and fifth respondents and perused the materials available on record.

4. Brief facts leading to filing of this Writ Petition is as follows :

The second petitioner and the respondents 3, 4 and 5 were allotted subject properties by a registered partition deed dated 30.09.2019 and the schedules have been marked and each schedule with a specific boundary with extent has been allotted and the parties are on the strength of their allotment. Subsequent to the partition, patta has also been issued in favour of the second petitioner and the second petitioner had executed a settlement deed in favour of the first petitioner. While so, based on the representation submitted by the fourth respondent, the patta issued in favour of the second petitioner has been cancelled. Aggrieved over the same, the petitioners filed a Writ Petition in W.P.No.21374 of 2021 has been filed by the present writ petitioners seeking quash the Order of cancellation of patta issued in their favour. This Court has disposed the above Writ Petition directing the respondents to conduct proper enquiry and grant patta based on the title deeds as well as the partition deed. Thereafter, another Writ Petition has also been filed in a Writ Petition no.31160 of 2022 and this Court by an Order dated 01.12.2022 has held that as the Tahsildar submitted that if the other sharers have no objection for issuance



WP.No.15734 of 2024

of separate patta and on their application, they will issue patta, this Court directed the petitioners and other co-sharers to appear before the Tahsildar and submit consent letter for issuance of separate patta and if such consent letter is submitted, the Tahsildar was directed to issue separate pattas in favour of all the sharers in accordance with law. Now it appears that onceagain the fourth respondent and others have objected for issuance of separate patta based on their allotment. Hence, onceagain, the impugned Order came to be passed as the fourth respondent has objected for issuance patta.

5. The learned counsel appearing for the petitioners submitted that the building has already been demolished and the schedule A and C are only a vacant site and the petitioner was allotted 'C' schedule property as per the partition deed. Therefore, there cannot be any difficulty for the Tahsildar for demarcation of the property and issue separate patta to the petitioners. As the 'A' and 'C' schedule properties are vacant sites, which is allotted to the petitioners as per the partition deed which is of the year 2019, others co-owners have no right to object for issuance of separate patta to the petitioners and other co-owners cannot raise any such objections.



WP.No.15734 of 2024

6. In such view of the matter, this Writ Petition is allowed and the impugned Order passed by the second respondent dated 03.07.2023 stands quashed and let the Tahsilder subdivide 'C' schedule property and issue separate patta to the petitioners. If any other persons apply for separate patta, their request shall be considered and Orders shall be passed for grant of separate patta to them. Such an exercise shall be completed within a period of four months from the date of receipt of a copy of this Order. No costs. Consequently, connected miscellaneous petition is closed.

11.07.2024

vrc

Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes/No

To,

1. The Revenue Divisional officer,
Thirumangalam, Chennai District.
2. The Tahsildar, Ambattur Taluk Office,
Ambattur, Chennai District.



WEB COPY



WP.No.15734 of 2024

N. SATHISH KUMAR, J.

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W.P.No.15734 of 2024

11.07.2024