



W.P.No.19172 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 01..07..2024

Coram

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Writ Petition No.19172 of 2023

and

W.M.P.No.18408 of 2023

M.A.Dhanraj

..... Petitioner

-Versus-

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The District Revenue Officer,
Harur, Dharmapuri District.

4.The Tahsildar,
Pappireddypatti Taluk,
Dharmapuri District.

..... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a *Writ of Certiorarified Mandamus*, calling for the records pertaining to the impugned proceedings issued by the 2nd respondent in Na.Ka.37/2023/Pa2 dated 18.01.2023 and to quash the same on the ground that the same is arbitrary, illegal and without any legal basis and for a consequential direction to the respondents to cancel the joint patta No.277 relating to the property comprised in S.No.277 measuring to an extent of 6.40 Acres situated at Chinthapadi Village, Pappireddypatt Taluk, Dharmapuri District, by issuing a



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separate patta in the name of the petitioner.

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For Petitioner : Mr.A.Rajaram

*For Respondent (s) : Mr.P.Sathish,
AGP for RR1 to 4*

ORDER

This writ petition mainly challenges the order dated 18.01.2023 passed by the 2nd respondent by his proceedings in Na.Ka.37/2023/Pa2 refusing to grant individual patta in respect of the subject land in the name of the petitioner.

2. It is the case of the petitioner that he is a retired police officer. He claims that it was only he who had purchased the subject land in the name of his wife - Tmt.Prema through a sale deed dated 23.06.1983 and after her death, patta has been changed in the name of himself and his sons jointly.

3. According to the petitioner, the subject property is his self acquired property and his wife was only a name lender. Therefore, he gave a representation for issuance of patta in his individual name. The grievance of the petitioner is that his request was turned down by the 2nd respondent by impugned order. It is this order which is under challenge in the present writ petition.

4. Heard both sides.

5. At the outset, this court is of the view that the very relief sought in the



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writ petition itself is misconceived. When the subject property stood in the name of the wife of the petitioner, after her death, the petitioner (husband) and all her children are entitled to a share in the property equally. Therefore, patta for the subject land was mutated in the name of the petitioner and all his sons. That being the position, without any partition of the subject property by metes and bounds and separate possession, the petitioner cannot seek for individual patta for the entire extent of the subject property. Therefore, this court do not find any infirmity in the order passed by the 2nd respondent rejecting the request of the petitioner for the grant of individual patta in respect of the subject property. The writ petition fails and the same is liable only to be dismissed.

In the result, the writ petition is dismissed. No costs. Consequently, connected WMP is closed.

Index : yes / no
Neutral Citation : yes / no
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N.SATHISH KUMAR.J.,
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