



W.P.No.17835 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.17835 of 2024

&

W.M.P.No.19585 of 2024

R.Periyasamy

...Petitioner

Vs.

1.The District Collector,
Collectorate,
Salem – 636 001,
Salem District.

2.The Revenue Tahsildar,
Thalaivasal Taluk,
Thalaivasal,
Salem District.

3. A.Dhanasekaran

...Respondents



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Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 18.10.2023 made in Na.Ka.No.8/2023/Aa1 issued by the 2nd respondent, quash the same and consequently direct the respondents 1 and 2 to upload patta No.1131 for S.F.No.186/8 measuring 2.95 Acres (1.19.0 Hrs.) in Periya Eri Village, Thalaivasal Taluk, Salem by considering the petitioner's representations dated 20.12.2022, 20.01.2023, 17.04.2023, 06.06.2023, 03.07.2023, 09.10.2023, 18.03.2024 and 04.05.2024.

For Petitioner : Mr. N.Manokaran

For Respondents : Mr. M.R.Gokul Krishnan
1 & 2 Additional Government Pleader

For Respondent 3: Ms. T.Dharani.



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ORDER

It is the case of the petitioner that he is the owner of agricultural lands measuring 2.95 acres in S.F.No.186/10, later converted as S.F.No.186/8, Periya Eri Village, Thalaivasal Taluk, Salem, under Assignment Patta dated 24.09.1980. After the assignment order, the petitioner was granted patta in Patta No.1131 dated 20.05.1986 and revenue records were also mutated in his name.

2. The petitioner would submit that his name was also uploaded in the computer patta and he has been paying the kist for the Fasli years from 1393 to 1425. Meanwhile, the petitioner's father and brother had entered into a registered partition deed dated 07.06.2002, in which the A – Schedule property was allotted to his father, Ramasamy Nattar, the B - Schedule property was allotted to the



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petitioner and the C - Schedule property was allotted to his brother, Shanmugam.

3. While so, the 3rd respondent and five others filed O.S.No.75 of 2011 on the file of the Sub Court, Attur, against the petitioner and four others for partition and separate possession. This suit was dismissed by the Judgement and Decree dated 15.12.2022 and there is no appeal against the same. Thereafter, the petitioner had applied for computer patta on 15.12.2022 and he was not able to download the computer patta No.1131. Therefore, the petitioner made a representation for correcting the mistake starting from 04.10.2017. The last of which was on 06.06.2024. Since the same was not considered, he once again made a representation on 09.10.2023.

4. By order dated 18.10.2023, the 2nd respondent rejected the



request on the ground that the 3rd respondent has filed a caveat before the Court in Caveat No.85 of 2023. Aggrieved by the same, the petitioner is before this Court.

5. Mr.P.Sathish, Additional Government Pleader for the respondents would submit that there is an appeal pending against the Judgement in O.S.No.75 of 2011 and therefore, the request cannot be considered at this stage.

6. Heard the learned counsels and perused the records.

7. Admittedly, the suit for partition has been dismissed and there is no interim orders impeding the issue of patta. Further, all the other revenue records including the manual patta describes the petitioner as the patta holder. It is only the computer patta which



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reads otherwise.

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8. In the light of the above, the impugned order dated 18.10.2023 is set aside. The matter is remitted back and the respondents shall consider the representation afresh giving an opportunity to both parties and pass orders within a period of 6 weeks from the date of receipt of a copy of this order.

9. The Writ Petition is allowed. Consequently, the connected miscellaneous petition is closed. No costs.

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Index : Yes/No
Internet : Yes/No
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To

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