



W.P.No.20448 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2024

CORAM

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P.No.20448 of 2024

AND

W.M.P.No.22403 of 2024

Ganesan

.. Petitioner

Vs

1.The Zonal Deputy Tahsildar

Omalur Taluk

Salem District

2.S.Saravanan

3.Saraswathi

4.K.Sathya

5.Senthil Kumar

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records pertaining to the impugned order dated 11.04.2023 *vide* TR.No.2023/0103/08/367288TR issued by the 1st respondent insofar, it relates to issuance of joint patta No.1278 in the name of the respondents 2 to 5 by including the petitioner's name and quash the same as illegal and unconstitutional and further direct the 1st respondent to remove the petitioner's name from patta No.1278.

For Petitioner : Mr.R.Sreedhar

For 1st Respondent : Mr.A.Selvendran
Special Government Pleader



W.P.No.20448 of 2024

ORDER

WEB COPY Challenging the proceedings of the 1st respondent dated 11.04.2023 in TR.No.2023/0103/08/367288TR, this writ petition has been filed.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the 1st respondent and perused the materials available on record.

3. It is the case of the petitioner that his mother and brother had jointly owned a property to an extent of 2.36 cents in R.S.No.168/1A at Ramireddipatti Village, Omalur Taluk, Salem District and a joint patta bearing No.1278 was issued to them; while so, his mother had settled half of her share of the said property in his favour on 29.09.2020 and the remaining half of her share in favour of his brother on 01.02.2021; later, his brother died leaving behind the respondents 2 to 5 as his legal heirs and a partition deed came to be executed on 13.03.2023 between him and the respondents 2 to 5 and the same was registered as document No.2071 of 2023; even after the registration of the said partition deed, a joint patta has been issued, incorporating the names of the respondents 2 to 5 *vide* the order impugned herein, challenging which, this writ petition has been filed.



W.P.No.20448 of 2024

4. It is the contention of the learned counsel for the petitioner that the 1st respondent has issued a joint patta without proper enquiry, though the petitioner is entitled to a separate patta and hence, he sought to set aside the same.

5. The learned Special Government Pleader appearing for the 1st respondent submitted that if the partition deed and other documents are produced before the 1st respondent, after considering the same, new patta will be issued to the petitioner.

6. Since no opportunity is given to the petitioner, the impugned order passed by the 1st respondent is quashed and the matter is remitted to the 1st respondent for conducting an enquiry. Let the petitioner also produce all the documents, particularly, the partition deed and on such production, the 1st respondent shall pass an order, after giving opportunity to the respondents 2 to 5, within a period of four months, from the date of receipt of a copy of this order.

With the above direction, this writ petition stands allowed. No costs. Connected C.M.P. is closed.

gya

Index : Yes/No

Neutral Citation : Yes/No

25.07.2024



WEB COPY

To
The Zonal Deputy Tahsildar
Omalur Taluk
Salem District



W.P.No.20448 of 2024

N.SATHISH KUMAR, J.

gya

W.P.No.20448 of 2024

25.07.2024