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W.P.No.29943 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 21.12.2024**

**CORAM:**

**THE HONOURABLE MS.JUSTICE P.T.ASHA**

**W.P.No.29943 of 2024**

I.Mydeen

...Petitioner

Vs

1.The Revenue Divisional Officer  
Revenue Divisional Office,  
Udumalaipet, Tamil Nadu – 642 126.

2.The Tahsildar,  
Udumalaipet Taluk Office,  
Udumalaipet, Tamil Nadu – 642 126.

3.Prakash

4.Nagaraj

...Respondents

**PRAYER** :-Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue Writ of Mandamus, directing the 2<sup>nd</sup> respondent to issue Patta in the name of Petitioner in respect of survey No.921 situated at Tiruppur district, Udamalaipet taluk, Kandamanayakanur village total measuring an extent of 14.17 ½ acres by considering the partition deed in document no.2518/1945 dated on 20.10.1945 and the representation ref.No.O.Mu.No.0928/2023/Aa3 dated on 14.03.2023.

For Petitioner : Mr.K.Gajendiran

For Respondents : Mr.Selvandran (For R1 & R2)  
Special Government Pleader  
Notice not ready for R3 & R4



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### **ORDER**

The petitioner is aggrieved by the fact that although he had submitted a representation to the respondents on 19.03.2014 to issue him with a patta in the light of the partition deed dated 20.10.1945. The said representation has not been considered and therefore a reminder sent on 14.03.2023. However, the request of patta has not been considered to date. The documents would indicate that in a partition deed executed on 20.10.1945, the subject property had been allotted to the petitioner's father Ismail Kani Rawther. The petitioner's father had borrowed money from one Muthu Pandaram by executing a usufructuary mortgage in respect of the said property. The said Muthu pandaram had further mortgaged the property in favour of one Venkadasami. He in turn had registered a mortgage deed by pledging the petitioner's father property on 25.01.1949. From the affidavit it appears that the petitioner's father was totally in the dark about these transactions and he had died intestate on 11.06.1986. The petitioner had therefore sought for issue of a patta. Since, the respondents 3 and 4 were attempting to interfere and their father had occupied the petitioner's property and are attempting to sell the property which belongs to the petitioner. Therefore, the petitioner



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made a representation for issue of patta which has not been considered.

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2.Heard the learned counsels on either side and perused the records. The learned Government Advocate takes notice for respondents 1 and 2.

3.Considering the above factors and taking note of the second respondent not having passed any orders on the petitioner's representation a mandamus is issued to the second respondent to consider and pass orders after issuing notice to all concerned petitioner, respondents three and 4 and other interested persons, hearing their objections after giving them a personal hearing and pass orders on representation dated 14.03.2023 within a period of twelve weeks from the date of receipt of copy of this order.

4.Accordingly, the Writ Petition is allowed. No costs.

**21.12.2024**

Index : Yes/No  
Internet : Yes/No  
Speaking Order/Non Speaking Order  
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**P.T.ASHA, J,**

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To

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Revenue Divisional Office,  
Udumalaipet, Tamil Nadu – 642 126.

2.The Tahsildar,  
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