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W.P.No.30740 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.30740 of 2024

R.V.Subramanian

...Petitioner

Vs.

1. The Secretary to the Government of Tamil Nadu,
Department of Revenue,
Secretariat, Chennai - 600 009.
2. The District Collector,
Office of the Collectorate,
Nagapattinam - P.O. 611 003.
Nagapattinam District.
3. The District Revenue Officer,
Office of the District Revenue Officer,
Nagapattinam - P.O. 611 003.
Nagapattinam District.
4. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Vedaraniyam - P.O. - 614 810,
Nagapattinam District.
5. The Tahsildar,
Taluk Office, Vedaraniyam - P.O - 614 810,
Nagapattinam District.
6. The Sub Registrar,
Office of the Sub Registrar,
Vedaraniyam P.O. 614 810.
7. The Village Administrative Office,
Nagakudaiyan P.O. 614 808,
Vedaraniyam Taluk,
Nagapattinam District.



8. The Village Administrative Officer,
Kallimedu P.O. 614 809,
Vedaraniem Taluk,
Nagapattinam District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the fifth respondent, the Tahsildar Vedaraniem to issue patta to the petitioner for the 'B' scheduled property based on 16.12.2005 dated partition deed signed in front of the magistrate, Tiruturaipoondi and his demised mother's 'A' scheduled property shared only to the male heirs and as per the case M/s.K.Arumugavelaiah verses R.R.Ramasamy (2022) 3 Supreme Court cases 757 Civil appeal No.2564 of 2012 decided on January 27, 2022.

For Petitioner : Mr.S.N.Balasubramanian

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

The petitioner herein seeks for a direction to the fifth respondent to issue patta to him in respect of the property described as 'B' schedule property in the partition deed dated 16.12.2005 allegedly signed before the Magistrate, Thiruthuraipoondi.



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2. By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

3. It is the case of the petitioner that he entered into a partition with his brothers namely Ramasamy and Thulasinatham in respect of family properties on 16.12.2005 in front of the learned Judicial Magistrate, Tiruturaipoondi and the same was presented before the fifth respondent seeking issuance of patta in respect of property allotted to him viz., 'B' schedule property in the partition deed. However, his claim has not been considered and therefore, the petitioner is before this Court.

4. A perusal of partition deed dated 16.12.2005 enclosed in the typed set of papers would suggest that the same is un-registered document prepared in the stamp paper having a value of Rs.170/- . Though it is stated by the petitioner that the partition deed was signed in front of Judicial Magistrate, Tiruturaipoondi, the signature of the Judicial officer is not available in the partition deed. It was simply presented before the Taluk Legal Services Authority and the same was received by affixing seal of said authority. Even



the person who received the document has not put his signature along with the seal. Therefore, it cannot be treated as having been signed by the Judicial Magistrate. Further, the document cannot be treated as a decree within the meaning of Section 21 of Legal Services Act. Therefore, this Court is not inclined to direct the respondents to consider the claim of the petitioner for issuance of patta based on the document dated 16.12.2005.

5. In view of the same, this Court is not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed. However, it is open to the petitioner to work out his remedy before the Civil Court. No costs.

21.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order

To

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S. SOUNTHAR, J.

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