



W.P.No.33133 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 33133 of 2024

M.Swaminathan

...Petitioner

Vs.

1.The District Collector,
District Collector Office,
Tirupur District.

2.The Revenue Divisional Officer,
Udumalpet,
Tirupur District.

3.The Tahsildar,
Madathukkulam,
Tiruppur District.

...Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of
Mandamus directing the respondents to include the name of the



W.P.No.33133 of 2024

petitioner in Joint Patta No.1129 bearing survey Nos.248/2AG and 248/2AA which is used as a common path way from the earlier days to enter into the petitioner's agricultural land bearing survey Nos.248/2Q, 248/2AE1 by considering his representation letter dated 20.09.2024 within a stipulated time.

For Petitioner : Mr. B.Anandan

For Respondents : Mr. G.Velu
1 to 3 Additional Government Pleader.

ORDER

The petitioner is before this Court seeking mandamus since his representation dated 20.09.2004, to include his name in joint patta No.1129 bearing S.Nos.248/2AG and 248/2AA, which is used as a common path way from the earlier days to enter into the petitioner's agricultural land bearing survey Nos.248/2Q, 248/2AE1, has not been considered.



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W.P.No.33133 of 2024

2. The petitioner's contention is that the property in question is a common pathway bearing S.Nos.248/2AG and 248/2AA and it is an access to reach the petitioner's land in S.Nos.248/2Q, 248/2AE1.

3. The property in question belonged to one Rathinammal. Rathinammal had executed a settlement deed dated 20.12.2005 in favour of her husband, the petitioner's father, Maarappa Gounder. The disputed pathway is also indicated in the said documents. Thereafter, the petitioner's father had gifted the said lands to the petitioner. However, his name was not included in the joint patta with reference to the common pathway comprised in S.Nos.248/2AG and 248/2AA. Therefore, the petitioner has made representation to issue joint patta in respect of the common pathway. However, there is no response. Therefore, the present Writ Petition.

4. Heard the learned counsels on the either side and perused the



records.

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W.P.No.33133 of 2024

5. The patta issued in respect of the pathway is a joint patta and the petitioner's grandfather's name is included as the 10th member. The petitioner has been issued patta only with reference to the other patta lands and not the common pathway. Therefore, mandamus is issued to the 3rd respondent to consider the petitioner's representation dated 20.09.2024, for including his name in the joint patta issued with reference to the common pathway, within a period of 12 weeks from the date of receipt of a copy of this order. The 3rd respondent shall bear in mind the fact that the petitioner's grandfather's name had been included in the joint patta with reference to the common pathway.

6. The Writ Petition is allowed. No costs.

14.11.2024

Index : Yes/No

Internet : Yes/No



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W.P.No.33133 of 2024

To

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W.P.No.33133 of 2024

P.T. ASHA, J,

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W.P.No. 33133 of 2024



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W.P.No.33133 of 2024

14.11.2024