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W.P.No.33093 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.33093 of 2019

Jayasundari

... Petitioner

Vs.

1.The District Collector,
Vellore District,
Vellore.

2.The Tahsildar,
Tirupattur Taluk,
Tirupattur,
Vellore District.

3.The Tahsildar,
Tirupattur Taluk,
Tirupattur District.

... Respondents

*(R3 Suo-motu impleaded as per order dated 07.06.2024 by JSNPJ in
W.P.No.33093 of 2019)*

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to issue the necessary revenue patta covered under the acknowledgement of the second respondent in S.No.026 dated 08.04.2013 on his file, in the name of the petitioner in respect to the lands bearing Survey No.490/1, in



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Vishmangalam Village, Tirupattur Taluk and Vellore District, to an extent of 1.12 $\frac{3}{4}$ cents along with the well with a $\frac{1}{3}$ rd common right in the well and the electricity connections, all within well defined boundaries by considering the notice dated 06.07.2019.

For Petitioner : M/s.Elizabeth Ravi

For Respondents 1 to 3 : Mr.K.Surendran,
Additional Government Pleader

ORDER

The petitioner has filed this petition seeking direction to the respondents to issue the necessary revenue patta covered under the acknowledgement of the second respondent in S.No.026 dated 08.04.2013 on his file, in the name of the petitioner in respect to the lands bearing Survey No.490/1, in Vishmangalam Village, Tirupattur Taluk and Vellore District, to an extent of 1.12 $\frac{3}{4}$ cents along with the well with a $\frac{1}{3}$ rd common right in the well and the electricity connections, all within well defined boundaries by considering the notice dated 06.07.2019.

2. The case of the petitioner is that the father of the petitioner executed a registered settlement deed dated 21.07.2003 in favour of the petitioner in



respect to an agricultural land situated in Survey No.490/1 to an extent of 1.12 $\frac{3}{4}$ cents along with the well with a $\frac{1}{3}$ rd common right in the well and the electricity connections. This being so, the petitioner's brother viz., Sundaravel with the help of his son Ramkumar have cancelled the settlement deed dated 21.07.2003 without her knowledge or consent and executed another settlement deed dated 22.11.2006 in favour of the said Ramkumar. Aggrieved over the same, the petitioner has filed a suit in O.S.No.84 of 2007 on the file of the District Munsif, Tirupattur for declaration and for permanent injunction, however, the same was dismissed on 20.03.2012.

2.1. Challenging the aforesaid order dated 20.03.2012, the petitioner has preferred an appeal in A.S.No.10 of 2012 on the file of the Subordinate Judge, Tirupattur, which was allowed on 08.01.2013. Subsequently, the petitioner has applied for issuance of separate patta on her name, after subdividing the property before the second respondent on 01.03.2013. The second respondent called upon the petitioner to appear before him on 03.05.2013, together with all the documents. The petitioner has also appeared for the enquiry and produced all the documents, however, no order was passed by the second respondent. Hence, the petitioner has sent a legal



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notice dated 06.07.2019, still there was no response from the second respondent. Aggrieved over the same, the petitioner has come forward with the present writ petition.

3. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondents to issue necessary revenue patta covered under the acknowledgment of the second respondent in S.No.026 dated 08.04.2013 on his file, in the name of the petitioner in respect to the subject matter property by considering the notice dated 06.07.2019 and pass appropriate orders on merits within a particular time frame to be fixed by this Court.

4. The learned Additional Government Pleader appearing for the respondents submitted that the competent authority to consider the case of the petitioner is The Tahsildar, Tirupattur District since, it has been bifurcated from the Vellore District. Hence, this Court may suo-motu implead the Tahsildar, Tirupattur Taluk, Tirupattur District and issue a direction for issuance of separate patta to the petitioner by considering the notice dated



06.07.2019.

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5. Heard the learned counsel on either side and perused the materials placed on record.

6. Considering the submission made by the learned Additional Government Pleader appearing for the respondents, it is necessary to implead the Tahsildar, Tirupattur District as one of the respondents in this writ petition, since he is the competent authority to consider the case of the petitioner. Accordingly, The Tahsildar, Tirupattur Taluk, Tirupattur District is suo-motu impleaded as third respondent by this Court.

7. Taking into consideration the limited prayer sought for by the petitioner, without expressing any opinion with regard to the merits of the case, this Court issues the following direction:

The third respondent is directed to conduct a detailed enquiry by considering the notice dated 06.07.2019, after giving due notice to the



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petitioner, affording an opportunity of personal hearing to her, to take into consideration the relevant documents submitted by the petitioner at the time of the enquiry in regard to the subject matter property and pass appropriate orders on merits, in accordance with law and by following/observing the above principles of natural justice, within a period of six weeks from the date of receipt of a copy of this order.

8. This writ petition is disposed of with the aforesaid observation and direction. No costs.

07.06.2024

Note: Registry is directed to carry out the necessary amendment in the cause title.

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To:

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2.The Tahsildar,
Tirupattur Taluk,

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Tirupattur,
Vellore District.

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3.The Tahsildar,
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