



WEB COPY



WP.No.35804 of 2024

In the High Court of Judicature at Madras

Dated : 05.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.35804 of 2024

1.Elumalai
2.Chennan
3.Shankar
4.Selvi

...Petitioners

Vs

1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai-606604.

2.The Revenue Divisional Officer,
Tiruvannamalai-606601.
Tiruvannamalai District.

3.The Tahsildar, Thandrapattu
Taluk, Thandrapattu.
606707. Tiruvannamalai District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 3rd respondent to consider the representation of the petitioners dated 18.7.2024 and issue joint patta to the petitioners with respect to the lands measuring 54 cents in S.No.539/2, 50 cents in S.No.539/3 and 1.97 acres in S.No.539/4, Puthur Chekkadi Village, Thandrapattu Taluk, Tiruvannamalai District on the basis of the civil court decree dated



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08.2.1999 passed in O.S.No.921 of 1996 on the file of the District Munsif Cum Judicial Magistrate Court, Chengam within the time that may be fixed by this Court.

For Petitioners : Mr.P.Mani
For Respondents : Mr.A.Selvendran, SGP

ORDER

Seeking a Mandamus to the third respondent to consider their representation dated 18.7.2024 for the issuance of a joint patta with respect to the lands measuring 54 cents in S.No.539/2, 50 cents in S.No.539/3 and 1.97 acres in S.No.539/4, Puthur Chekkadi Village, Thandrapattu Taluk, Tiuvannamalai District on the basis of the decree dated 08.2.1999 passed in O.S.No.921 of 1996 on the file of the District Munsif Cum Judicial Magistrate Court, Chengam, the petitioners are before this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the respondents.

3. The petitioner would contend that the said properties belonged to their father, who settled the same in favour of his wife - one Mrs.Paunammal - the mother of the petitioners vide settlement



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deed dated 25.4.1995. The petitioners' father died on 25.3.1998. Thereafter, the said settlement deed was acted upon. However, the revenue records were not mutated. When the petitioners' paternal uncles attempted to interfere with their mother's possession and enjoyment of the said lands, she filed O.S.No.921 of 1996 on the file of the District Munsif-cum-Judicial Magistrate Court, Chengam for declaration and permanent injunction against their paternal uncles and obtained a decree in her favour on 08.2.1999. The said judgment decree attained finality as no appeal was filed against the same.

4. On 03.1.2019, the petitioner's mother died leaving behind her the petitioners as surviving legal heirs. Hence, the petitioners made a representation dated 18.7.2024 to the respondents to issue a joint patta in their names based on the said decree dated 08.2.1999. Further, by proceedings dated 08.8.2024, the first respondent directed the third respondent to take further action on the petitioners' representation dated 18.7.2024. The second petitioner also made an online application on 04.11.2024 to the third respondent. As nothing was forthcoming, the petitioners are before this Court.

5. The fact that the said properties belong to the petitioners is seen from the narration in the affidavit filed in support of the writ



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petition. Since the petitioners inherited the said properties, they requested the third respondent to issue a joint patta.

6. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the third respondent to consider the petitioners' representation dated 18.7.2024 for the issuance of a joint patta in respect of the said properties based on the decree dated 08.2.1999 and pass appropriate orders within a period of 6 weeks from the date of receipt of a copy of this order. No costs.

05.12.2024

To

- 1.The District Collector,
Tiruvannamalai District,
Tiruvannamalai-606604.
- 2.The Revenue Divisional Officer,
Tiruvannamalai-606601.
Tiruvannamalai District.
- 3.The Tahsildar, Thandrampattu
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RS



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P.T.ASHA,J

RS

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