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WP.No.36150 of 2024

In the High Court of Judicature at Madras

Dated : 06.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.36150 of 2024

1.Andamuthu
2.Ammaniammal
3.G.Eswaramoorthy
4.G.Sivakumar

...Petitioners

Vs

1.The District Collector,
Erode District, Erode.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Erode.

3.The Tahsildar, Perundurai
Taluk, Perundurai.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to issue joint patta in the names of the petitioners for the land situated in Old S.No.626/A, New R.S.No.354/1 in an extent of 2 acres 60 cents and R.S.Nos.362/1, 362/2 & 362/3 in an extent of 2 acres 72.3 cents situated in Karumandichellipalayam Village, Perunudurai Taluk, Erode District by considering the representation dated 23.9.2024 within the stipulated time as may be prescribed by this Court.



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For Petitioners : Mr.J.Titus Enock
For Respondents : Mr.P.Sathish, AGP

ORDER

Seeking a Mandamus to the respondents to consider the first petitioner's representation dated 23.9.2024 for the issuance of a joint patta in respect of the properties in Old S.No.626/A, New R.S.No.354/1 measuring 2 acres 60 cents and R.S.Nos.362/1, 362/2 & 362/3 measuring 2 acres 72.3 cents situated in Karumandichellipalayam Village, Perunudurai Taluk, Erode District, the petitioners are before this Court.

2. Heard the learned counsel for the petitioners and the learned Additional Government Pleader accepting notice for the respondents.

3. The case of the petitioner is as follows :

(i) The second petitioner is the wife of one late Mr.Gurusamy, who is none other than the brother of the first petitioner. Petitioners 3 and 4 are the sons of the said late Mr.Gurusamy and the second petitioner. The first petitioner along with the said Mr.Gurusamy purchased the property in Old S.No.626/A, New R.S.No.354/1 measuring 2 acres 60 cents situated at Karumandichellipalayam Village, Perunudurai Taluk, Erode District vide sale deed dated



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27.5.1992 registered as doc.No.982 of 1992 on the file of the Sub-Registrar, Perundurai for a valid sale consideration. They also purchased the property in R.S.Nos.362/1, 362/2 & 362/3 measuring 2 acres 72.3 cents situated at Karumandichellipalayam Village, Perunudurai Taluk, Erode District vide three sale deeds dated 20.1.2000, 20.1.2000 and 28.1.2000 registered respectively as doc.Nos.95, 104 and 148 of 2000 on the file of the same Sub-Registrar once again for a valid sale consideration.

(ii) In 2012, based on the report of the third respondent dated 27.6.2012 that as against the relevant Revenue Standing Order, certain properties were alienated to persons not belonging to the depressed classes, proceedings were initiated by the second respondent. Further, by proceedings dated 06.12.2012 and 12.12.2012, the second respondent cancelled several sale deeds on the ground that the said lands were originally assigned to depressed classes of people and that the alienation should be done only within the depressed classes.

(iii) Aggrieved by that, the petitioner and his brother - the said Mr.Gurusamy filed W.P.No.2099 of 2013 before this Court. Further, similarly affected persons also approached this Court by filing several writ petitions. This Court, by a common order dated 22.8.2022 in W.P.No.2099 of 2013 etc. cases, allowed the said writ petitions and



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quashed the orders passed by the second respondent on the ground that the original assignment that was granted in favour of the depressed classes of people was not produced before this Court, that without such a document, conducting an inquiry against the petitioner and others was not sustainable and that Revenue Standing Order 15(4)(3) was introduced only in the year 1967.

(iv) During the pendency of the earlier writ petition, the said Mr.Gurusamy died on 17.3.2018 leaving behind him his wife and two sons - petitioners 2 to 4 as the surviving legal heirs. Based on the said common order of this Court dated 22.8.2022 in W.P.No.2099 of 2013 etc. cases, the first petitioner sent a representation to the respondents dated 23.9.2024 seeking to issue a joint patta in respect of the said lands. However, nothing was forthcoming. Hence the writ petition.

4. The fact that the said properties belong to the petitioners is seen from the narration in the affidavit filed in support of the writ petition. Pursuant to the said common order passed by a learned Single Judge of this Court dated 22.8.2022 in W.P.No.2099 of 2013 etc. cases, the first petitioner sent the said representation dated 23.9.2024 to the respondents for the issuance of a joint patta in the names of the petitioners in respect of the said properties.



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5. 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 said representation of the first petitioner dated 23.9.2024 for the issuance of a joint patta in the names of the petitioners in respect of the properties in Old S.No.626/A, New R.S.No.354/1 measuring 2 acres 60 cents and R.S.Nos.362/1, 362/2 & 362/3 measuring 2 acres 72.3 cents situated in Karumandichellipalayam Village, Perunudurai Taluk, Erode District. The petitioners shall submit all the relevant records to show their title to the said properties along with a copy of the said common order dated 22.8.2022 in W.P.No.2099 of 2013 etc. cases and the third respondent shall thereafter pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

06.12.2024

To

- 1.The District Collector,
Erode District, Erode.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Erode.
- 3.The Tahsildar, Perundurai
Taluk, Perundurai.



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P.T.ASHA,J

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