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W.P(MD)No.1115

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.1115 of 2024

Kaleel Rahman

... Petitioner

Vs

1.The District Collector,
Trichy District,
Trichy.

2.The Revenue Divisional Officer,
Trichy District.

3.The Tahsildar,
Trichy West Taluk,
Trichy District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 06.11.2023 and consequently direct the respondents to grant joint patta to the petitioner and his siblings based on the settlement deed registered as Document No.498/2019 dated 01.08.2019 within the period that may be stipulated by this Court.

For Petitioner

: Mr.G.Chezhiyan

For Respondents

: Mrs.K.Christy Theboral
Additional Government Pleader



ORDER

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The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 06.11.2023 and consequently direct the respondents to grant joint patta to the petitioner and his siblings based on the settlement deed registered as Document No.498/2019 dated 01.08.2019 within the period that may be stipulated by this Court.

2. Heard Mr.G.Chezhiyan, learned counsel appearing for the petitioner and Mrs.K.Christy Theboral, learned Additional Government Pleader appearing for the respondents.

3. By consent, this writ petition is disposed of at the admission itself.

4. According to the petitioner, the property in T.S.No.30 situated at Puthur Village, Trichy West Taluk, Trichy District measuring to an extent of .73.5 Hector was originally belongs to the petitioner's father. They were got joint patta No. 141382. They were filed a partition suit in O.S.No.72/2017 before the Mahila Court, Trichy for partition. Based on the judgment in O.S.No.72/2017 dated 24.06.2017 the petitioner's father obtained ½ share in T.S.No.30 measuring to an extent of 0.73.5 Hector situated at Block 27, Ward-Y, Puthur Village, Trichy West Taluk, Trichy District. The petitioner's father M/s.Mohamed Ali Jinna executed the settlement



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deed in his favour and my siblings namely Abkar Ali, Hakkim, Bakrutheen and Abros registered as Document No.498/2019, dated 01.08.2019 on the file of the Sub-Registrar, Woraiyur. After executed the settlement deed, the petitioner's siblings executed the General Power Deed in his favour registered as Document no. 6793/2019 dated 22.10.2019. Based on the settlement deed, the petitioner has made an application dated 16.12.2022 to the third respondent seeking joint patta. Thereafter, the petitioner has sent a detailed representation to the third respondent on 19.08.2021. Since the respondents have not taken any action on the representation of the petitioner, he has approached this Court by way of filing the present Writ Petition for the relief stated supra.

5.The learned Additional Government Pleader appearing for the respondents on instructions would submit that the Block 0027, Aattumanthai Theru, Survey Field 30, Sub division 1, Survey No and Letter 30P is classified as Riotwari Nanjai. As per the Adangal, the land belongs to Housing Society, Thillainagar. In the Town Survey, other persons have been found. Whether the properties stands in the name of petitioner's family or not cannot be decided at this juncture and the Revenue Divisional Officer.

6. Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the petitioner to



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produce all the documents before the second respondent and after receipt of the documents, the second respondent shall conduct an enquiry and to consider the petitioner's representation, dated 06.11.2023, pass orders on merits and in accordance with law after giving an opportunity to all the parties concerned. Such exercise shall be completed within a period of sixteen (16) weeks from the date of receipt of a copy of this order.

7.This Writ Petition stands disposed of with the above directions. No costs.

Index : Yes/No
Internet: Yes/No
am

22.01.2024

To

- 1.The District Collector,
Trichy District,
Trichy.
- 2.The Revenue Divisional Officer,
Trichy District.
- 3.The Tahsildar,
Trichy West Taluk,
Trichy District.



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V.BHAVANI SUBBAROYAN, J.

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