



W.P.(MD)No.1541 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.01.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.1541 of 2024

R.Shanmugavel

... Petitioner

Vs

1.The District Collector,
District Collector's Office,
Thanjavur District.

2.The Revenue Divisional Officer,
District Revenue Office,
Thanjavur District.

3.The Tahsildar,
Thuvarankuruchi Taluk,
Thanjavur 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 third respondent to issue the separate patta to the petitioner's name from the combined patta No. 3315 in Survey No.280/1A2 to an extent of 16 ½ cents out of 33 cents situated at Thanjavur District, Pattukottai Taluk, Thuvarankuruchi North.

For Petitioner
For Respondents

: Mr.R.Ramachandran
: Mr.K.Christy Theboral
Additional Government Pleader



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ORDER

The Petitioner has filed this Writ Petition seeking a direction to the third respondent to issue the separate patta to the petitioner's name from the combined patta No.3315 in Survey No.280/1A2 to an extent of 16 ½ cents out of 33 cents situated at Thanjavur District, Pattukottai Taluk, Thuvarankuruchi North.

2. Heard Mr.R.Ramachandran, learned counsel appearing for the petitioner and Mr.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. The case of the petitioner is that his father A.Ramasamy has purchased the property from one Mahalingam in the year 1975 by way of valuable sale consideration. His father enjoying the property without any hindrance. After the death of his father and mother, the petitioner and his brother entered into the family arrangement and enjoying the property. In the meantime, Thuvarankurichi village panchayat encroached 2 cents and put up the water tank and use the public purpose without their consent. His brother Ayyavu died



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on 12.01.2023 leaving behind his wife and son. The name of the petitioner and the legal heirs of the said Ayyavu were entered in the joint patta bearing Patta No.3315 in Survey No.280/1A2 to an extent of 33 cents vacant land. In the meanwhile, the said Ayyavu's legal heirs are trying to sell the entire property. Hence, the petitioner has made an application before the Tahsildar, Pattukottai on 14.12.2023 seeking separate patta in his name for 16 ½ cents out of 33 cents and he has also paid Rs.400/- on 19.12.2023 through online for issuing separate patta in his name.

5. The learned Additional Government Pleader appearing for the respondents has produced a proceedings dated 24.01.2024 and states that the petitioner has requested to sub-divide 16 ½ cents of land of 0.13.0 hectare in S.No.280/1A2 0.13.0 hectare Pattukottai Circle, Thuvankurichi North Village, Maniyankollai, which is jointly owned and converted to individual. The petitioner has not produced any documents for the 16 ½ cent land claimed by the petitioner. If the documents are submitted along with the family members of the petitioner's brother, who is jointly in the above joint Patta No. 3315, steps will be taken as per the petitioner's request.



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6. Recording the submission made by the learned Additional Government

Pleader, this petition is dismissed. It is left open to the petitioner to approach the family members for partition and to approach the Civil Court seeking partition the property. No costs.

29.01.2024

Index : Yes/No

Internet: Yes/No

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V.BHAVANI SUBBAROYAN, J.

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