



W.P.(MD)No.1397 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

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P.S.Subramanian

... Petitioner

Vs

1.The Revenue Divisional Officer,
Thanjavur,
Thanjavur District.

2.The Tahsildar,
Orathanadu Taluk,
Thanjavur District.

3.M.Veerasamy

... 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 remove the names of M.Thulasiyya and M.Veerasamy from the patta bearing Patta No.1614 with regard to the property in S.N.129-1C2A, Naduvor Village, Orathanadu Taluk, Thanjavur District and issue separate patta in the name of the petitioner and also include the name of the petitioner in Patta No.1642 with regard to the property in S.No.1291C1A which is the pathway to the petitioner's property by considering the representation of the petitioner, dated 25.01.2021 and remainder dated 07.01.2023 within a time frame that may be fixed by this Court.



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For Petitioner	: Mr.L.N.Praghasham
For R1 & R2	: Mr.A.Kannan Additional Government Pleader
For R3	: Mr.Pragadeesh

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents to remove the names of M.Thulasiayya and M.Veerassamy from the patta bearing Patta No.1614 with regard to the property in S.N.129-1C2A, Naduvor Village, Orathanadu Taluk, Thanjavur District and issue separate patta in the name of the petitioner and also include the name of the petitioner in Patta No.1642 with regard to the property in S.No.129-1C1A which is the pathway to the petitioner's property by considering the representation of the petitioner, dated 25.01.2021 and remainder dated 07.01.2023 within a time frame that may be fixed by this Court.

2. Heard the learned counsel appearing for the both sides and perused the materials available on records.

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



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4. According to the petitioner, the property situated in Naduvloor Village, Orathanadu Taluk, Thanjavur District bearing survey No.129/1C and 129/1D admeasuring 43.12 acre originally belongs to V.Nadaraja Vandayar, Govindharaja Vandayar and Manonmaniammal, who were residents of Vadayarirrupu. In the original owners family the sons of the adopted brother one Muthusamy Vandayar namely M.Thulasiayya and M.Veerassamy, filed a suit in O.S.No.30 of 1985 on the file of the learned Additional Sub-Court, Thanjavur, praying for partition the shares belongs to their father. The said suit was decreed in their favour on 02.06.2009 and the Court allotted 10.78 acre of land out of 43.12. acre (I.e) 1/4th of the scheduled property to them. The co-owner of the petitioner R.Arumugam applied for separate patta in survey number 129-1C2 and the same was granted and the survey number 129-1C2 was sub-divided into 129-1C2A and 129-1C2B and allotted to the petitioner and R.Arumugam respectively. In the said mutation the entries were correctly mentioned about Mr.R.Arumugam name in respect of the land in survey number 129-1C2B. However, the patta pertaining to the property in Survey 129-1C2A allotted to the petitioner stands in the name of previous owner Mullaiammal and others. The petitioner has sent a detailed representation to the second respondent on 25.01.2021 for carrying out the errored mutation in patta for his land in 129-1C2A and to remove the names of M.Thulasiayya and



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M.Veerasamy from his patta. He annexed with necessary documents through the same was received by the respondent, no effective steps were taken except by forwarding the same to the concerned Village Administrative Officer for call for the reports and documents pertinent to his land. Thereafter, the petitioner has sent a representation to the Chief Secretary to the Government of Tamil Nadu on 04.02.2022 and the same was forwarded to the District Collector, Thanjavur District. Based on that representation, the petitioner was called by the District Collector, Thanjavur and he appeared before the Personal Assistant (General) to the District Collector and their submissions were recorded. The another person Mr.M.Thulasiayya, whose name was also wrongly entered in his patta was expired. The District Collector by his proceedings in Na.Ka.No. 4905/2022U(2) dated 29.03.2022 forwarded the same to the first respondent for immediate action and direct him to dispose his grievances at the earliest, but till date there was no proper response as well as his grievance was not rectified. Since the respondents have not taken any action, the petitioner 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 1 & 2 would submit that appropriate direction may be given to the respondents to consider the petitioner's request in accordance with law, within a time frame.



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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 respondents 1 & 2 to consider the petitioner's application dated 25.01.2021, pass orders on merits and in accordance with law after giving notice and affording an opportunity to the third respondent. Such exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is disposed of. No costs.

12.02.2024

Index : Yes/No
Internet: Yes/No
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To
1. The Revenue Divisional Officer,
Thanjavur,
Thanjavur District.

2. The Tahsildar,
Orathanadu Taluk,
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V.BHAVANI SUBBAROYAN, J.

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