



W.P(MD)No.2862 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition(MD)No.2862 of 2024

T.Selvakumar

... Petitioner

-Vs-

1.The District Collector,
Karur District.

2.The Tahsildar (Revenue),
Aravakurichi Taluk,
Aravakurichi Taluk Office,
Karur District.

3.Thanila

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus to direct the respondents 1 and 2 herein to grant patta in the name of the petitioner herein namely T.Selvakumar son of (Late) K.Thambidurai in respect of (i) Land Old Survey No.286 New Survey No. 664/35 (Patta No. 429) and thatched house constructed therein and (ii) Lands in Survey No.434 to an extent of 4.41 acres (1.78.54 Hectares) situated in Zamin Alamarathupatti Village Aravakurichi Taluk, Karur District on the basis of Registered Will dated 30.6.2014 executed in favour of the petitioner herein.



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For Petitioner : Mr.N.Sudhagar Nagaraj
For Respondents : Mr.A.Kannan
Addl. Govt. Pleader (for R1 and R2)

ORDER

This writ petition is filed seeking for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to grant patta in the name of the petitioner in respect of land in Old Survey No.286, New Survey No. 664/35 (Patta No. 429) and thatched house constructed therein and the land in Survey No.434 to an extent of 4.41 acres (1.78.54 Hectares) situated in Zamin Alamarathupatti Village, Aravakurichi Taluk, Karur District on the basis of Registered Will dated 30.6.2014 executed in favour of the petitioner herein.

2. Mr.A.Kannan, learned Additional Government Pleader takes notice for the respondents 1 and 2. Considering the nature of the order proposed to be passed, protecting the interest of the third respondent, notice to her is dispensed with. By consent, this writ petition is taken up for final disposal at the admission stage itself.



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3. The learned counsel for the petitioner would submit that the subject properties originally belonged to the petitioner's grandmother and she settled the same to the petitioner's father. Thereafter, the petitioner's father executed a registered Will dated 30.06.2014 in Doc.No.13/2014 in favour of the petitioner. From the date on wards, the petitioner is in possession and enjoyment of the said properties. Due due illness, the petitioner's father died on 02.07.2020 and previously his mother died in the year 2002. The third respondent, namely, Thanila, W/o Palanisamy has illegally raised objections to grant patta in favour of the petitioner. The third respondent claimed herself as the second wife of the petitioner's father.

4. The learned counsel would further submit that the third respondent has filed O.S.No.584 of 2021 on the file of the Principal Sub-Court, Karur for partition and separate possession of 2/3 share in the suit schedule properties. The petitioner has also filed written statement. While so, the petitioner has approached the respondents 1 and 2 for grant of patta. In this regard, he has submitted a representation dated 28.12.2022 to the respondents 1 and 2. Based on which, the second respondent through Memo dated 18.05.2023 directed the Regional Deputy Tahsildar,



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Aravakurichi, Karur District to conduct an enquiry and to submit a report.

However, till date, no enquiry was conducted and no order was passed.

Because of the same, the petitioner could not obtain bank loan for agricultural purpose by mortgaging his properties. Hence, he filed the present writ petition for the above said relief.

5. The learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that based on representation of the petitioner, the second respondent directed the concerned Zonal Deputy Tahsildhar and Village Administrative Officer to conduct an enquiry and submit a report. He would further submit that in respect of the subject property, a civil suit in O.S.No.584 of 2021 is pending before the Principal Sub-Court, Karur.

6. In view of the above, this Court, without going into the merits of the claim made by the petitioner in this Writ Petition, directs the respondents 1 and 2 to pass appropriate orders on the representation of the petitioner, dated 28.12.2022, on merits and in accordance with law, after giving notice to the interested parties, if any, within a period of sixteen (16) weeks from the date of receipt of a copy of this order.



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7. With the above direction, this Writ Petition stands disposed of. No costs.

12.02.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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To

- 1.The District Collector,
Karur District.
- 2.The Tahsildar (Revenue),
Aravakurichi Taluk,
Aravakurichi Taluk Office,
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V.BHAVANI SUBBAROYAN, J.

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