



W.P(MD)No.3697 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3697 of 2024

P.Thangamuthu

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Dindigul.

2.The District Revenue Officer,
The District Collectorate,
Dindigul.

3.The Revenue Divisional Officer,
The District Collectorate,
Dindigul.

4.The Tahsildar,
Nilakottai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the fourth respondent to effect transfer of patta in favour of the petitioner with



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respect to the property situated at Dindigul District, Nilakottai Taluk, Ethilodu village, S.No.163/11 an extent of 26 cents by considering the petitioner's representation dated 27.05.2023 within a time as stipulated by this Court.

For Petitioner : Mr.J.Hariharan Alias Harish

For Respondents : Mr.V.Nirmal Kumar
Government Advocate

ORDER

Heard both sides.

2.The petitioner purchased 26 cents of land in Survey No.163/11 in Ethilodu Village from three persons, namely, Kanniammal, Pappu and Periakkal. They are the daughters of one Veeramalai Gounder. Patta No. 1691 is a joint patta. It pertains to four items of property. Survey No. 163/11 is one among them. The joint patta reflects the names of not only three daughters of Veeramalai Gounder but also three sons of one Ammavasi. Therefore, the petitioner is not justified in straightaway making a request for transfer of patta in respect of the said land in his name.

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3.The learned counsel appearing for the petitioner would however claim that in Survey No.163/11, the sons of Ammavasi do not have any claim or interest or right. But I cannot straightaway accept the said contention. That is for more than one reason. Admittedly, it is a joint patta and it includes their names also. Secondly, the sons of Ammavasi have not been impleaded in this writ petition. Therefore, the only relief that I can give is to permit the petitioner to make a formal application in this regard before the fourth respondent. In the said application, the petitioner will have to implead the sons of Ammavasi also. After receiving such an application from the petitioner, the fourth respondent shall issue notice to the sons of Ammavasi and thereafter pass order on merits and in accordance with law. If there is consensus among the parties, the petitioner's request can be straightaway granted. If the sons of Ammavasi dispute the stand of the petitioner, then the petitioner has to necessarily move the jurisdictional civil Court. The Tahsildar, Nilakottai is directed to pass an appropriate order on the lines mentioned above within a period of twelve weeks after receipt of application from the writ petitioner.



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4.This writ petition is disposed of accordingly. There shall be no order as to costs.

20.02.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

- 1.The District Collector,
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Dindigul.
- 2.The District Revenue Officer,
The District Collectorate,
Dindigul.
- 3.The Revenue Divisional Officer,
The District Collectorate,
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G.R.SWAMINATHAN, J.

MGA

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