



W.P(MD)No.6727 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6727 of 2024
and
W.M.P(MD)No.6240 of 2024

M.A.Malaikannan

... Petitioner

Vs.

1.The Secretary to Government,
Revenue Department,
Secretariat,
St.George Fort,
Chennai – 600 009.

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the third respondent passed impugned records



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relating to the third respondent passed impugned order in Na.Ka.A7-2168-2022 dated 24.11.2023 to quash the same and consequently direct the third respondent to issue certificate one Sappani and Sonai, S/o.Alangan, are one and the same person.

For Petitioner : Mr.T.Selvakumaran

For Respondents : Mr.A.Kannan
Additional Government Pleader

ORDER

Heard both sides.

2.The petitioner seeks patta for 46 cents of agricultural land and for 5 cents of house site. It is claimed by the petitioner that the agricultural land stood in the name of “Ezhuvakkal Sappani” whereas the house site stood in the name of “Ezhuvakkal Sonai”.

3.The petitioner claims that both Ezhuvakkal Sappani as well as Ezhuvakkal Sonai are one and the same person. Mageswari, wife of the petitioner is to be the daughter of Ezhuvakkal Sappani / Ezhuvakkal Sonai. Maheswari is no more. The petitioner therefore claims patta as legal heir of Maheswari.



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4.The third respondent is directed to hold an enquiry. The petitioner instead of asking for patta, approached the Tahsildar for seeking certificate certifying that Ezhuvakkal Sappani and Ezhuvakkal Sonai are one and the same. The Tahsildar rightly said that he cannot issue the certificate as claimed by the petitioner. The said order is put to challenge in this writ petition.

5.The real grievance of the petitioner is only for issuance of patta. Therefore, the petitioner is permitted to submit a proper representation before the third respondent for issuance of patta. The Tahsildar shall conduct enquiry. If the Tahsildar satisfied that the petitioner's wife is Mageswari and the said Mageswari is the daughter of Ezhuvakkal Sappani / Ezhuvakkal Sonai, then patta can very well be issued in favour of the petitioner. Of course, the authority must be further satisfied that Ezhuvakkal Sappani / Ezhuvakkal Sonai are one and the same and that Maheswari is the only the legal heir. If the third respondent is satisfied on these aspects, the petitioner's request shall be considered. Final order on merits and in accordance with law will be passed by the Tahsildar, Kalaiyarkoil Taluk within a period of twelve weeks from the date of



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receipt of a fresh application received from the petitioner herein. I make it clear that I have not gone into the merits of the matter.

6.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

26.03.2024

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

To

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Chennai – 600 009.

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Sivagangai.

3.The Tahsildar,
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