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W.P.(MD)NO.9602 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9602 of 2024 AND

W.M.P.(MD)No.8709 of 2024

T.Sathiyamurthi

... Petitioner

Vs.

1. The Zonal Deputy Tahsildar,
Manachanallur Taluk,
Trichy District.

2. The Village Administrative Officer,
Thiruvasi Village,
Manachanallur Taluk,
Trichy District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent in his proceedings in File No.2022/0103/15/318567 dated 26.04.2023 and quash the same as illegal and consequently directing the first respondent to issue patta in the name of the petitioner in the light of final decree passed in O.S.No.67 of 1986 on the file of the learned Sub Court, Lalgudi dated 16.12.2019.

For Petitioner : Mr.R.Surya Prakash

For Respondents : Mr.K.Balasubramani,
Special Government Pleader.

* * *

**ORDER**

Heard both sides.

2. Patta in respect of the petition mentioned land stood in the name of T.M.Sundaram Pillai and others. The property originally belonged to one Dahshinamurthy Pillai. Muthusamy Pillai was his son. Muthusamy Pillai was having two wives namely, Pattu Ammal and Rajammal. Rajammal was the second wife. The petitioner is the grand child of Rajammal. Rajammal filed the partition suit in O.S.No.67 of 1986 on the file of the First Additional Sub Court, Trichy. The matter was taken on file in A.S.No.1352 of 1989 before this Court. Compromise decree was passed on 07.04.2006. The case of the petitioner is that the petition mentioned land was allotted to his share in the compromise decree. It is on this basis, the petitioner is seeking mutation. The petitioner is able to trace his title and also having compromise decree in his favour.

3. The first respondent was not justified in rejecting the request on the ground that the petitioner is not in possession and enjoyment.



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4. In this view of the matter, the impugned memorandum is set aside. The matter is remitted to the file of the Tahsildar, Manachanallur. The Tahsildar, Manachanallur will issue notice to the interested parties. He will take note of the compromise decree dated 16.12.2019 made in I.A.No.1 of 2019 in O.S.No.67 of 1986 on the file of the Sub Court, Lalgudi. The entire exercise will be completed by the Tahsildar, Manachanallur within a period of three months from the date of receipt of a copy of this order. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

11.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

1. The Zonal Deputy Tahsildar,
Manachanallur Taluk,
Trichy District.
2. The Village Administrative Officer,
Thiruvasi Village,
Manachanallur Taluk,
Trichy District.



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G.R.SWAMINATHAN,J.

PMU

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