



W.P.(MD) No.21284 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.21284 of 2024

Sangiah

.. Petitioner

Vs.

- 1.The District Collector,
Collectorate Campus,
Virudhunagar District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Officer,
Sivakasi, Virudhunagar District.
- 3.The Tahsildar,
Taluk Officer,
Srivilliputur Taluk (now) Watrap Taluk,
Virudhunagar District.
- 4.The Assistant Divisional Engineer,
TNEB, Kottaipatti,
Srivilliputur Taluk, Virudhunagar District.
- 5.Gurusamy
- 6.Thangam
- 7.Alagumani
- 8.Muthu

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the second respondent to cancel the illegal patta transfer passed by the third respondent *vide* proceeding No.2023/0103/26/184580 dated 15.02.2023 and the EB Service Connection No.547 standing in the name of petitioner's paternal uncle Vellaisamy which has been transferred to and in the name of Gurusamy in pursuantly EB Service Connection No.53 and consequently direct the third respondent to issue patta in the petitioner's name.

For Petitioner	:	Mr.D.V.Raju
For RR1 to 3	:	Mr.D.S.Nedunchezhiyan Government Advocate
For R4	:	Mr.S.Dheenathayalan Standing Counsel

ORDER

The petitioner has filed this writ petition for the following relief:

“For the reasons stated in the accompanying affidavit, it is therefore humbly preyed that this Hon'ble Court may be pleased to issue a Writ or order or direction and in more particular in the nature of WRIT OF MANDAMUS, directing the 2nd



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respondent to cancel the illegal patta transfer passed by the 3rd respondent vide proceeding No. 2023/0103/26/184580 dated 15.02.2023 and the EB Service Connection No.547 standing in the name of petitioner's paternal uncle Vellaisamy which has been transferred to and in the name of Gurusamy in pursuantly EB Service Connection No.53 and consequently direct the 3rd respondent to issue patta in my name and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.”

2. It is the contention of the petitioner that the property in question originally belonged to his father Erulappan and his brother Vellaisamy. Besides the petitioner, Erulappan had another son Muthu. His paternal uncle Vellaisamy had three sons viz., Gurusamy, Thangam and Alagumani. The petitioner and his brother inherited his father's half share and his paternal uncle's children inherited their father's share in the properties comprised in S.No.271/1. His brother Muthu had settled his 1/4th share in the entire properties in favour of the petitioner under a registered gift settlement deed dated 15.02.1989 together with the share



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in the well and 3HP motor pump set and motor pump set room. Thereby, the petitioner became entitled to the entire half share of his father. His paternal uncle's son Thangam sold his $1/6^{\text{th}}$ share to the petitioner under a registered sale deed dated 02.03.1999. As a result, the petitioner became entitled to $2/3^{\text{rd}}$ share in the entire property and Gurusamy and Alagumani together entitled to the remaining $1/3^{\text{rd}}$ share.

3. The petitioner would submit that he had made an application for issuance of patta in respect of his property. However, there was no response. Representations were made to respondents 1 to 3 frequently. The petitioner would submit that his cousins Gurusamy and Alagumani together are entitled to an extent of 28 cents in S.No.277/1 and the petitioner to an extent of 1 Acre and 44 cents. However instead of issuing patta in the name of the petitioner, a joint patta including the names of Gurusamy, Thangam and Alagumani was issued in respect of the well and electric motor pump set comprised in S.No.277/1A6. Thangam's name, who has sold the property to the petitioner was also included in the patta. Challenging the same, the petitioner had sent



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representations to respondents 1 to 3 and even thereafter, there was no favourable response. Therefore, the petitioner has come forward with the present writ petition.

4. Admittedly, respondents 5, 7 and 8 are co-owners of the property. The petitioner has only purchased an undivided interest in the property and therefore, cannot seek to have a separate patta without his share being identified by metes and bounds. Therefore, the request of the petitioner for issuance of separate patta cannot be acceded to and therefore, this Writ Petition is dismissed. However, the petitioner on getting the property partitioned by metes and bounds can renew his request to respondents 1 to 3 for grant of patta. It is made clear that till such time, parties produce documents showing separate possession either in the form of partition deed or decree for partition, the joint patta granted shall not be cancelled/rectified. No costs.

06.09.2024

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



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To

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P.T.ASHA, J.

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