



W.P.(MD) No.20545 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.20545 of 2024

Murugu Subbiah

.. Petitioner

Vs.

1.The District Collector,
Sivagangai,
Sivagangai District.

2.The Revenue Divisional Officer,
Devakottai Division,
Sivagangai District.

3.The Tahsildar,
Devakottai Taluk,
Sivagangai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents to consider the petitioner's application dated 05.08.2024 in order to issue separate patta in petitioner's name in which the property situated in Survey No.11-16(1), Nagamathi Village, Devakottai Taluk, Sivagangai District to an extent of 1.15.37 hectares within the time frame to be fixed by this Court.



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For Petitioner : Mr.KR.Bharathi Kannan

For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

This writ petition is filed seeking a mandamus to the respondents to consider the petitioner's application dated 05.08.2024 and the online application which had been lodged on 27.07.2024 and to issue separate patta.

2. The petitioner's contention is that the property comprised in S.No.11-16(1), Nagamathi Village, Devakottai Taluk, Sivagangai District, measuring an extent of 1.15.37 Hectares belonged to his grandfather Subbiah Servai, who was in continuous possession and enjoyment of the same. His grandfather was doing agricultural operations on the said land. He had two sons viz., Karuppiyah and Ulaganathan and a daughter Karuppayee @ Nithyakalyani. The said Subbiah Servai had executed a registered Will dated 07.03.2014 in favour of his grandsons viz., the petitioner, Ramanathan and Kannan.



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3. The petitioner's elder brother, Ramanathan had approached the third respondent for an individual patta on 22.11.2023 and on 03.01.2024. As no action was taken, he has filed W.P.(MD) No.635 of 2024 and a direction was issued to the respondents to consider and pass orders thereon on or before 29.01.2024. The respondents had considered the same and granted separate patta in the name of the said Ramanathan in Patta No.851. Likewise, the petitioner's other brother, Kannan had approached the third respondent for an individual patta on 27.07.2024, which was not given. Likewise the petitioner had also given an application on 05.08.2020. Since the same has not been processed the petitioner has come forward with this writ.

4. Heard the counsels. Though the petitioner's application for grant of patta is only filed on 05.08.2024, however, considering the fact that the earlier representation made by the eldest brother, Ramanathan on 22.11.2023 has been considered and patta granted, this Writ Petition is allowed, issuing a mandamus to the third respondent to issue patta within



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a period of eight weeks from the date of receipt of a copy of this order.

No costs.

30.08.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

- 1.The District Collector,
Sivagangai,
Sivagangai District.
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Devakottai Division,
Sivagangai District.
- 3.The Tahsildar,
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P.T.ASHA, J.

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