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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.15161 of 2018

Ponnambalam ... Petitioner

Vs

1. The District Revenue Officer,
Trichy District, Trichy.

2. The Revenue Divisional Officer,
Trichy, Trichy District.

3. The Zonal Deputy Tahsildar,
Srirangam.

4. Raju, ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari Mandamus, to call for the records relating to the orders passed by the 1st respondent in Na.Ka.Aa5/3053/2013 dated 12.06.2017, confirming the order passed by the 2nd respondent in Na.Ka.A1-7995-2010 dated 31.12.2012 as well as the order of the 3rd respondent passed in Tho.Mu.T.K.A2-2337-2010

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dated 25.03.2010 and quash the same as illegal and further direct the 3rd respondent to grant patta for property in Survey No.152/1 measuring an extent 3 cents in Koppu North Village, Srirangam Taluk, Tiruchirappalli District.

For Petitioner : Mr.M.P.Senthil

For R1 to R3 : Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition is filed for a writ of certiorari, to quash the orders passed by the 1st respondent dated 12.06.2017, by confirming the order passed by the 2nd respondent dated 31.12.2012 as well as the order of the 3rd respondent dated 25.03.2010 and to direct the 3rd respondent to grant patta in Survey No.152/1 measuring an extent 3 cents in Koppu North Village, Srirangam Taluk, Tiruchirappalli District.

2. The case of the petitioner is that that the petitioner has claimed right for patta on the basis that his grandfather, namely, Ponnambalam

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had purchased the property from one Vairan Muthiriyar. Since his grandfather died, he sought for patta transfer in his name on the basis of the above sale deed. However, the patta in respect of the said Survey No. 152/1 stands in the names of one Karuppanan, Palaniyandi, Pappathiammal and four others and neither the name of the vendor of petitioner's father nor the name of the petitioner's father is found in the patta. The order of the Zonal Deputy Tahsildar, dated 25.03.2010 was challenged by the petitioner's father before the Revenue District Officer, Thiruchirappalli. The Revenue District Officer, vide order dated 31.12.2012, stated that the petitioner's father has not produced either the death certificate or the legal heir certificate of the deceased Ponnambalam, who he claims to be his father.

3.That apart the fourth respondent has stated that the deceased Ponnambalam has two wives, namely, Kanniammal and Arayi and that the fourth respondent, namely, Raju is the said Kanniammal's son and the petitioner's father is Arayi's son. He has also submitted that an applications for death certificate and legal certificate are pending and he

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objects to the patta being granted in favour of the petitioner.

4. I find no reason to interfere with the said order, since there is an objection to the petitioner claiming an exclusive patta, as one Raju claims to be the legal representative of the deceased Ponnambalam. It is also seen that the applications for grant of legal heir certificate as well as the death certificate by the fourth respondent are pending.

5. Accordingly, this Writ Petition stands dismissed with liberty to the petitioner to renew his request as and when he is able to prove that he is the legal heir of the deceased Ponnambalam, who is stated to be the grandfather of the Petitioner. No costs.

25.09.2024

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

jbr

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P.T.ASHA, J.

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