



W.P.(MD) No.24968 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.24968 of 2024

and

W.M.P.(MD) Nos.21267 and 21268 of 2024

Dr.S.Venkatachalam

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.

2.The Tahsildar,
Aruppukottai,
Virudhunagar.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the entire records passed by the first respondent in Na.Ka.No.4/5132/2023 dated 05.08.2024, quash the same as illegal and consequently direct the first respondent to issue patta in the petitioner's favour based on the title deed and judicial pronouncements in respect of the landed property in Survey No.429/4 of Soolakarai Village Aruppukottai Taluk, Virudhunagar District.



W.P.(MD) No.24968 of 2024

For Petitioner : Mr.C.M.Arumugam
For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The novel methods adopted by the revenue authorities have not ceased to surprise this Court. The instant case is one such method.

2.1. In order to appreciate the above observation, it would be necessary to set out the facts, which have prompted the petitioner to file this writ petition for a certiorarified mandamus to quash the order of the first respondent dated 05.08.2024 and consequently direct the first respondent to issue patta in the petitioner's favour in respect of the lands, which are the subject matter of this writ petition.

2.2. The property comprised in S.No.429/4 of Sulakarai Village, Aruppukottai Taluk, Virudhunagar, fell to the share of the petitioner's maternal grandfather Narayanan under a settlement deed dated



W.P.(MD) No.24968 of 2024

28.08.1935 together with other properties. After enjoying the same for a period of over 25 years, he had executed a settlement deed dated 01.01.1960 in favour of the petitioner's parents along with other properties and the said deed was registered on 04.01.1960. The petitioner's parents were given a life interest and thereafter, the property was to devolve on the children born to them. The petitioner would submit that he is the only legal heir to his parents, as his elder sister died when she was 15 years old. The petitioner's father, on the death of his mother, had remarried and is now living with his second wife in Sulakarai Village and from and out of the second marriage, the petitioner's father had children.

2.3. The petitioner would submit that there was some tenancy dispute in respect of which two suits in O.S.Nos.31 and 106 of 2003 had been filed before the Principal District Munsif, Aruppukottai, which were decreed in his favour and an appeal filed by the defendants in the said suits in A.S.No.20 of 2017 also was held in favour of the petitioner by the Sub Court, Aruppukottai. Thereafter, second appeal in S.A.(MD) No.



W.P.(MD) No.24968 of 2024

596 of 2019 was filed, which was also dismissed in the admission stage on 10.12.2019 by this Court. Therefore, the petitioner's right had attained finality. On the basis of the title deeds and these judicial pronouncements, the petitioner has made an application for issuance of patta. The second respondent had also recommended for the same. However, the first respondent has passed the impugned order stating that the patta could be issued after receiving the guideline value of the property.

3. The property in question belongs to the petitioner and his predecessors in title and the revenue authorities have no right or interest over the same. The petition that is before the revenue authorities is only for grant of patta. In the light of the death of the petitioner's parents and his sister, the property is now standing to his exclusive name. The first respondent has observed that the property has been described as a 'vacant site' in the Natham Survey Register and therefore, the patta should be granted on receipt of the guideline value. It is aggrieved by this order that the writ petition is filed.



W.P.(MD) No.24968 of 2024

WEB COPY

4. The order impugned does not set the legal basis on which such a demand is made that too, in respect of the lands that belong to the petitioner. Therefore, this Writ Petition is allowed, the impugned order is set aside and the first respondent is directed to issue patta to the petitioner without claiming the guideline value within a period of one month from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

22.10.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

1.The Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.

2.The Tahsildar,
Aruppukottai,
Virudhunagar.



WEB COPY



W.P.(MD) No.24968 of 2024

P.T.ASHA, J.

abr

W.P.(MD) No.24968 of 2024

Dated: 22.10.2024