



W.P.(MD) No.23282 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.23282 of 2024

T.Thangadurai

.. Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Radhapuram Taluk,
Radhapuram,
Tirunelveli District.

4.S.Senthilvel

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing second and third respondents to pass suitable orders to remove the name of the fourth respondent in the Joint Patta in Patta No.7155, Levinjupuram Village, issued in respect of the lands to an extent of 14¼ cents comprised in



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Survey No.1081/1I, Levinjipuram Village, Radhapuram Taluk and to cancel the sub divisions effected on 21.09.2023, and also the Patta in Patta No.9876 by considering the representation of the petitioner dated 28.06.2024 within a time frame as may be fixed by this Court.

For Petitioner : Mr.G.Aravinthan

For RR1 to 3 : Mr.D.S.Nedunchezhiyan
Government Advocate

ORDER

The petitioner has filed this writ petition for a mandamus to the second and third respondents to pass suitable orders to remove the name of the fourth respondent in the Joint Patta in Patta No.7155 issued in respect of the lands to an extent of 14¼ cents comprised in Survey No. 1081/1I, Levinjipuram Village, Radhapuram Taluk, Tirunelveli and to cancel the sub divisions effected on 21.09.2023, and also the Patta in Patta No.9876 by considering the representation of the petitioner dated 28.06.2024.

2. The case of the petitioner is that the lands measuring an extent of 14¼ cents in S.No.1081/1I, Levinjipuram Village, Radhapuram Taluk,



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Tirunelveli, originally belonged to one Samikutty Nadar from whom one Ayyanadiyan had purchased the same *vide* registered sale deed dated 24.08.1972. The said Ayyanadiyan executed a settlement deed dated 22.10.1998 in favour of his son Soundarapadian in respect of the entire 14¼ cents purchased by him. The petitioner would submit that he approached the said Soundarapandian for purchasing 14¼ cents and after receipt of the proper sale consideration, Soundarapandian executed a sale deed on 27.06.2023 in favour of the petitioner. From the date of purchase, the petitioner has been in exclusive possession and enjoyment of the lands. He would submit that his vendor had been granted patta in Patta No.7155 and therefore, he had made an application to the third respondent to include his name in the patta and issue a joint patta. By orders of the third respondent, the petitioner's name was also included in Patta No.7155 in respect of the lands measuring 14¼ cents (14.250 cents or 0.05.77 Ares). While so, one Senthilvel, the fourth respondent had approached the petitioner for purchasing the lands purchased by the petitioner stating that he is the owner of the original owner Samikutty Nadar and that he was interested in purchasing the lands, which his



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father had sold in 1972. The petitioner had no interest to sell the same.

Therefore, the fourth respondent was offended by the refusal.

3. The petitioner would further submit that without any notice, the fourth respondent's name has been included in the joint patta in Patta No. 7155. On coming to learn about this, the petitioner made enquiries and he came to learn that Samikutty Nadar and the siblings of Senthilvel had entered into a partition deed dated 17.04.2015. It was brought to the knowledge of the petitioner that by virtue of the said partition deed, Senthilvel claimed about 0.75 Cents out of 14 $\frac{1}{4}$ Cents and on the application of the fourth respondent, the third respondent, without issuing notice either to the petitioner or his vendor has included the fourth respondent's name in the joint patta and the extent of the petitioner's land has been reduced to 14.079 Cents instead of 14.250 Cents. A representation in this regard was sent on 28.06.2024 seeking the removal of the fourth respondent's name from the joint patta, which is yet to be considered. Hence, the writ petition.



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4. Heard the learned counsel on either side.

5. Taking into consideration the request of the petitioner and also taking note of the fact that the fourth respondent's name has been included in the joint patta without notice to the petitioner or his vendor, a mandamus is issued directing the second and third respondents to consider the petitioner's representation and after hearing the fourth respondent, pass orders within a period of 12 weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is allowed. No costs.

30.09.2024

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

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P.T.ASHA, J.

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To

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