



W.P(MD)No.24442 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.24442 of 2024

S. Kannan

... Petitioner

Vs

**1. The Tahsildar,
Thirupparankundram Taluk,
Thirupparankundram,
Madurai District.**

**2. The Village Administrative Officer,
Kombadi Village Panchayat,
Thirupparankundram Taluk,
Madurai District.**

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to issue the separate and individual patta in the name of the petitioner namely S.Kannan in respect properties vide Plot Nos. 406 and 407 having survey no. 17/2 and 1/6 (R.S No.17/2) having joint Patta no. 395 Sri Anjenaya Nagar, Kombadi Village, Thiruparankundram Taluk, Madurai District by considering the petitioner's application, dated 10.07.2024, vide no. 2024/0105/24/633614 within a time stipulated by



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this Court.

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For Petitioner : Mr.P. Mahendran,

For Respondents : Mr.P.Tambidurai
Government Advocate

ORDER

This Writ Petition has been filed seeking a direction to the respondents to issue separate patta in the name of the petitioner in respect of the properties in survey Nos.17/2 and 1/6 (R.S No.17/2).

2.The petitioner said to have purchased two plots (Plot Nos.406 and 407) in S.No.17/2 and 1/6 (R.S.No.17/2) at Kombadi Village, Sri Anjenaya Nagar, Thiruparankundram Taluk, Madurai District. The petitioner has also made a request for issuing separate patta for him by an application, dated 10.07.2024, however, the same was not considered by the respondents. Therefore, the petitioner was constrained to file this petition.



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3.The learned Counsel appearing for the petitioner submits that the property in R.S.No.17/2 was originally belonged to one Kurumba Thevar. The said Kurumba Thevar and his legal heirs by a registered document in document No.4688 of 2002, dated 27.08.2002 have executed a sale deed in favour of the petitioner's vendor one M.Karupasamy, S/o.Mookan. The said M.Karupasamy, after purchasing this land has plotted the land and has sold two plots to the petitioner in the year 2003. The respondents are now insisting the petitioner to produce the legal heir certificate of the petitioner's vendor's vendor. The petitioner is not in a position to produce the same. By insisting legal heir certificate, the application of the petitioner is kept pending for the past three months.

4.The learned Government Advocate takes notice for the respondents and submits that the patta still stands in the name of the legal heirs of the Kurumba Thevar. Among these legal heirs, one Muniyandi, S/o. Kurumba Thevar and Pakkiyathammal, W/o Ramachandran, died. Therefore, without ascertaining the legal heirs of the said Muniyandi and Paakkiyathammal, it is not possible to grant patta in the name of the petitioner.



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5.The learned Counsel for the petitioner submits that the legal heirs of Kurumba Thevar including Muniyandi, S/o.Kurumba Thevar and Pakkiyathammal, W/o.Ramachandran have executed the sale deed in favour of the petitioner's vendor, namely Karuppasamy in the document No.4688/2002, dated 27.08.2002. In turn, the said Karuppasamy has alienated the property in the name of the petitioner by a registered document in Document No.6596 of 2003, dated 03.12.2003. He further submits that the land has been divided as plots. It has been sold to various persons and for other plot holders, the respondents have transferred the patta. However, the respondents are insisting legal heir certificate of Kurumba Thevar only on the petitioner's application.

6.This Court has considered the rival submissions made.

7.The petitioner claims that he has purchased two plots from one Karuppasamy. The said Karuppasamy is said to have purchased the property from one Kurumba Thevar and legal heirs in Document No. 4688 of 2002. According to the petitioner all the legal heirs of Kurumba Thevar have executed the document No.4688 of 2002.



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8.The respondents shall conduct an enquiry in this regard by considering the petitioner's documents and also considering if any other patta issued to the other plot holders and pass suitable orders, within a period of eight weeks, from the date of receipt of a copy of this order.

9.With the above direction, this writ petition stands disposed of.

No costs.

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

LR

To

1. The Tahsildar,
Thirupparankundram Taluk,
Thirupparankundram,
Madurai District.

2. The Village Administrative Officer,
Kombadi Village Panchayat,
Thirupparankundram Taluk,
Madurai District.



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LR

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