



W.P.(MD) No.25593 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.25593 of 2019
and
W.M.P.(MD)No.22167 of 2019

Nallathambi, S/o.Silamban

... Petitioner

Vs.

1.The Tahsildar,
Pattukottai Taluk,
Pattukottai,
Thanjavur District.

2.Ramesh, S/o.Rajabalan

3.Rajabalan, S/o.Silamban

4.Appadurai, S/o.Silamban

5.Gangammal, W/o.Silamban

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the first respondent in Na.Ka.No.779/2016 Aa6, dated 17.02.2017, quash the same as illegal, arbitrary and consequently, direct the first respondent to grant patta in the name of the petitioner in respect of S.No.229/10B, measuring an extent of 0.45 cents and in S.No.169/3B, measuring an extent of 2.98 cents, situated at



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Idaiyathi South Village, Pattukottai Taluk, Thanjavur District, based on the judgment and decree passed in O.S.No.167 of 2008, dated 06.06.2011, which was confirmed in A.S.No.35 of 2011 by the Sub Court, Pattukottai, dated 28.11.2014.

For Petitioner	: Mr.D.R.Murugesan
For R1	: Mr.S.P.Maharajan Special Government Pleader
For R2 to R4	: No Appearance

ORDER

The petitioner has filed this Writ Petition against the impugned order dated 17.02.2017, bearing reference in Na.Ka.No.779/2016 Aa6, whereby the petitioner's request for issuance of Patta has been rejected on the ground that a Second Appeal was pending before this Court.

2. It appears that there is a private dispute between the petitioner and the respondents 2 to 5 herein and that the petitioner had filed O.S.No. 167 of 2008 against the respondents 2 to 5 herein before the District Munsif Court, Pattukkottai. The said suit was decreed by the Trial Court by its judgment and decree, dated 06.06.2011. A further appeal before the Sub Court, Pattukkottai, in A.S.No.35 of 2011 by the respondents 2 to 5



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herein [defendants 1, 2, 3 and 5 in O.S.No.167 of 2008] was also dismissed on 28.11.2014. It appears that a further appeal has also been filed before this Court in S.A.(MD)SR.No.1428 of 2016, which is a reason cited in the impugned order for rejecting the request of the petitioner for grant of Patta.

3. There is no representation on behalf of the private respondents.

4. The learned counsel for the petitioner submits that after filing the second appeal, the private respondents have not taken any steps to number the Second Appeal and no stay has been obtained.

5. The learned Special Government Pleader for the first respondent submits that on verification of the e-Courts Web site, it was found that the Second Appeal filed by the private respondents remains in S.R. stage in S.A.(MD)SR.No.1428 of 2016.

6. Considering the above, I see no impediment in granting relief to the petitioner. Therefore, the first respondent is directed to issue Patta to the petitioner in the light of the judgment and decree passed by the learned



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District Munsif, Pattukkottai, in O.S.No.167 of 2008 on 06.06.2011, as affirmed by the learned Sub Judge, Pattukkottai, in A.S.No.35 of 2011, vide judgment and decree, dated 28.11.2014. In any event, before issuing Patta, the private respondents shall also be put on notice. The entire exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
smn2

21.06.2024

To

The Tahsildar,
Pattukottai Taluk,
Pattukottai,
Thanjavur District.



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C.SARAVANAN, J.

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