



W.P.(MD)No.26764 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

CORAM:

THE HONOURABLE **MRS.JUSTICE N.MALA**

W.P.(MD)No.26764 of 2024

V.Ramesh

...Petitioner

/Vs./

1.The District Collector,
Ramanathapuram,
Ramanathapuram District.

2.The District Revenue Officer,
Ramanathapuram,
Ramanathapuram District.

3.P.Subramanian

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of mandamus to direct the second respondent to conduct enquiry for grant of joint patta in patta No.697, Anjukkottai Village, Thiruvadanai Taluk, Ramanathapuram District according to the representation of the petitioner dated 23.09.2024 and dispose of the same within a time frame as fixed by this Court.

For Petitioner : Mr.S.Suresh Kumar

For R1 & R2 : Mr. A.Kannan

Additional Government Pleader

ORDER

This Writ Petition is filed seeking issuance of Writ of mandamus to direct the second respondent to conduct enquiry for grant of joint patta



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in patta No.697, Anjukkottai Village, Thiruvadanai Taluk, Ramanathapuram District according to the representation of the petitioner dated 23.09.2024 and dispose of the same within a time frame as fixed by this Court.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The property measuring 9 acres and 92 cents in Patta Nos.697 and 400 belonged to the petitioner's grand mother Thailammal. She gifted the said property on 08.02.1961 to her two sons namely Veeramuthu Udaiyar and Chellamuthu Udaiyar. Veeramuthu Udaiyar had two sons namely, Pachamuthu Udaiyar and Velu Udaiyar. The petitioner is the son of Velu Udaiyar. The petitioner's father died on 11.01.2023. The petitioner is the only legal heir. While so, the petitioner's paternal uncle Pachamuthu Udaiyar obtained patta in Patta No.697 for the entire extent exclusively in his name. The Revenue Divisional Officer by his proceedings ordered joint patta in his father's name in Patta No.400 but failed to grant joint patta in Patta No.697. The petitioner gave a petition



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to the first respondent and in turn the first respondent directed the second respondent to enquire into the matter. In spite of the first respondent's direction, the second respondent did not enquire into the matter. Hence, the petitioner submitted a representation on 23.09.2024. Since the second respondent did not act on the petitioner's representation, the petitioner filed the above Writ Petition for the aforesaid relief.

4. The learned counsel for the petitioner submitted that though the first respondent directed the second respondent to enquire into the matter as early as on 05.09.2024, the second respondent has not initiated any action for enquiry. Therefore, directions may be issued to the second respondent to conduct an enquiry as expeditiously as possible and to the first respondent to pass orders on merits and in accordance with law on the basis of the report of the second respondent.

5. The learned Additional Government Pleader submitted that the first respondent vide his communication dated 05.09.2024 directed the second respondent to conduct an enquiry as per seniority and the petitioner rushed to this Court without waiting for the second



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respondent's enquiry.

6. Heard both sides and perused the materials available on record.

7. It is seen that the petitioner made a representation to the second respondent on 23.09.2024 stating that taking advantage of the exclusive patta granted in his favour, his paternal uncle was taking effective steps to alienate the properties and hence requested the second respondent to expedite the enquiry. As rightly pointed out by the learned counsel for the petitioner, if the third respondent encumbers the property, then it will lead to unnecessary litigation and expenses. Therefore, this Court is inclined to issue a direction. Accordingly, a direction is issued to the second respondent to conduct an enquiry in pursuance of the communication of the first respondent dated 05.09.2024 within a period of four weeks from the date of receipt of a copy of this order by giving notice to both the petitioner and the third respondent and submit a report to the first respondent. On receipt of the report, the first respondent shall pass order on merits and in accordance with law within a period of twelve weeks from the date of receipt of report of the second respondent.



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8. With the above directions, this Writ Petition is disposed of. No costs.

11.11.2024

Index : Yes / No
NCC : Yes / No
CM

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Ramanathapuram District.

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Ramanathapuram,
Ramanathapuram District.



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N.MALA, J.

CM

Order made in
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11.11.2024