



W.P(MD)No.826 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.826 of 2024

R.Thirunavukkarasu

.. Petitioner

Vs

1.The Sub Collector,
Paramakudi,
Ramanathapuram District.

2.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

3.K.Kurunthu

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in his proceedings in Pa.Mu(A3)8949/2020 dated 07.03.2023 and quash the same as against the law and consequently directing 1st respondent to cancel the Patta No.166 in respect of the property comprised in Natham Old Survey



W.P(MD)No.826 of 2024

No.66/1, New Survey No.234/1 to an extent of 143 sq.meter situated at A.Panaiyur Village, Paramakudi Taluk, Ramanathapuram District and grant patta in favour of the petitioner within the time limit that may be stipulated by this Court.

For Petitioner : Mr.A.Karthik

For Respondents : Mr.A.Kannan
Addl. Govt. Pleader

ORDER

The Petitioner has filed this Writ Petition seeking issuance of a Writ of Certiorarified Mandamus, to set aside the impugned order passed by the 1st respondent in his proceedings in Pa.Mu(A3)8949/2020 dated 07.03.2023 and direct 1st respondent to cancel the Patta No.166 in respect of the property comprised in Natham Old Survey No.66/1, New Survey No.234/1 to an extent of 143 sq.meter situated at A.Panaiyur Village, Paramakudi Taluk, Ramanathapuram District and grant patta in favour of the petitioner within the time limit fixed by this Court.

2. Mr.A.Kannan, learned Additional Government Pleader takes notice for the respondents 1 and 2. Considering the nature of the order proposed to be passed, protecting the interest of the third respondent, notice to him is



W.P(MD)No.826 of 2024

dispensed with. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. The learned counsel for the petitioner would submit that the petitioner's father had purchased a tiled House situated at natham Old Survey No.66/1, New Survey No.234/1 to an extent of 00143 sq.meter situated at A.Panaiyur, Paramakudi Taluk for sale consideration on 23.07.1986 vide registered sale deed in Document No.2705/1986. After purchasing they were residing in the said property. Since the petitioner settled in Chennai, after the demise of his parents, as a legal heir, the petitioner applied for transfer of patta in his name. The 1st respondent in his proceedings in Pa.Mu(A3)8949/2020 dated 07.03.2023 dismissed the application stating that since the patta for the said property has been standing in the names of the temporary administrators of the Yadhavar Sangam, viz., Vedappan, Karuppaiah, Kurundhu and Velu, in patta No.166, who are also the office bearers of Yadhavar Sangam, and now the Yadhavar Sangam is functioning in the said property, hence, the petitioner may approach the appropriate Civil Court to work out his remedy. Though the petitioner enclosed the necessary documents and the sale deed executed in



W.P(MD)No.826 of 2024

favour of the petitioner's father, the authority, without considering the same, dismissed his application. Hence, the petitioner has come before this Court to quash the said impugned order passed by the first respondent and also to direct the first respondent to cancel the patta issued in favour of the above said office bearers of the Yadhavar Sangam and to grant patta in his name, within the time stipulated by this Court.

4. Considering the facts and circumstances of this case, since the patta stands in the name of four persons, the petitioner cannot claim title over the said property. Further, this Court finds that this is purely a civil dispute claiming title over the property in question. Hence, the petitioner is directed to approach competent civil Court to work out his remedy in the manner known to law.

5. With the above direction, this Writ Petition stands disposed of. No costs.

12.01.2024

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



W.P(MD)No.826 of 2024

WEB COPY

To

1.The Sub Collector,
Paramakudi,
Ramanathapuram District.

2.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P(MD)No.826 of 2024

V.BHAVANI SUBBAROYAN, J.

PJL

W.P(MD)No.826 of 2024

12.01.2024