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W.P.No.17103 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.17103 of 2025

P.Balamuthiyal

... Petitioner

Vs

1.The Government of Tamilnadu,
Rep. by its Secretary to Government,
Revenue and Disaster Management,
Fort St. George, Chennai - 600 009.

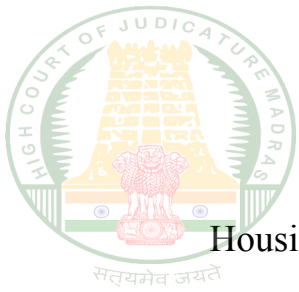
2.The District Collector,
Salem District,
Salem - 636 001.

3.Revenue Divisional Officer,
Suramangalam and Post,
Salem - 636 005.

4.The Tahsildar,
Office of the Tahsildar,
Hasthampatty,
Salem - 636 007.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 4th Respondent to issue appropriate orders forthwith granting Patta in respect of the



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Housing Plot comprised in Old Survey No.185/1, New Survey No.300 of Kannankurichi Village of Salem Taluk and District admeasuring to an extent of 866 (out of 1230) Square Feet as agreed upon by the 4th Respondent to issue Patta.

For Petitioner(s) : Ms.Maria Joseph David

For Respondent(s) : Mr.P.Sathish for R1 to R4
Additional Government Pleader

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2.The present writ petition is filed praying for a writ of mandamus to direct the 4th respondent to issue appropriate orders forthwith granting Patta in respect of Housing Plot comprised in (Old S.No.185/1) New S.No.300 of Kannankurichi Village, Salem Taluk and District admeasuring to an extent of 866 (out of 1230) sq.ft.

3.It is submitted by the learned counsel for petitioner that the petitioner and his family members instituted a suit for partition in O.S.No.1451 of 1979. By a final decree dated 11.09.2000, family partition was effected. It is further submitted that the petitioner, his



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mother, Sarguna and brother Krishnamoorthi were allotted 3691 sq.ft. of land. By a Partition Deed, dated 20.07.2021, a settlement was reached between the petitioner, his mother and his brother, whereby the petitioner was allotted 1230 sq.ft. Subsequently, another Family Settlement Deed was made by the petitioner, his mother and his brother whereby the petitioner settled 364 sq.ft. feet of his land in favour of his brother Krishnamoorthi. Thereafter, the petitioner became absolute owner of 866 sq.ft. and the petitioner submitted an application dated 13.09.2021 to the 4th respondent for issuing patta. The 4th respondent rejected the application. It is further submitted that the petitioner filed an appeal dated 11.07.2024 to the respondents 2 and 3. The 3rd respondent by his proceedings dated 21.10.2024, directed the 4th respondent to conduct enquiry regarding the petitioner's application for patta. However, till date patta has not been issued. Aggrieved by the same, the petitioner has filed this writ petition.

4.At the outset, learned Additional Government Pleader for respondents would submit that the petitioner's request for issuing Natham Patta, an enquiry is underway and would request three months time. It is further submitted that in view of the fact that even if the enquiry has been



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completed, it has to be digitized and it will take some time and appropriate orders would be passed in accordance with law within three months time, which was agreed to by the learned counsel for petitioner.

5.In view thereof, the respondents shall consider the petitioner appeal dated 11.07.2024 and pass appropriate orders in accordance with law, keeping in view the revenue records including its digitisation within a period of three months from the date of receipt of a copy of this order, after affording the petitioner a reasonable opportunity of hearing. It is made clear that this Court has not expressed any views with regard to the merits of the appeal and it is open to the concerned respondent to consider the appeal on its own merits and in accordance with law. The writ petition stands disposed of with the above directions. No costs.

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Index : Yes/ No
Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
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To
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MOHAMMED SHAFFIQ, J.

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