



W.P.No.32019 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.32019 of 2025

Subburathinam

... Petitioner

Vs.

1.The District Collector,
Namakkal District,
Namakkal.

2.The District Collector,
Namakkal District,
Namakkal.

3.The Revenue Divisional Officer,
Namakkal Revenue Division,
Namakkal, Namakkal District.

4.The Tahsildar,
Rasipuram Taluk,
Rasipuram, Namakkal District.

5.Ramasamy

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of writ of certiorarified mandamus, calling for the records of the impugned order dated 24.03.2025 in Cipa-14/2025-Aa3 passed by the 4th respondent and quash the same, consequently, direct the respondents 2 to 4 to issue Joint Patta in the name of petitioner's family along with 5th respondent and make correct entries in their revenue records in respect of common pathway / cartract situated in S.No.117/1, to an extent of 12 cents, at Namagiripettai Village, Rasipuram Taluk, Namakkal District.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.A.Selvendran
Special Government Pleader for R1 to R4

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself. In view of the order that this Court proposes to pass and also the limited relief that is sought to be granted, notice to 5th respondent is dispensed with.



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2. The present writ petition has been filed challenging the impugned proceedings dated 24.03.2025 whereby petitioner's request for issuance of joint patta in the name of the petitioner and the 5th respondent was rejected in respect of the property comprised in S.No.117/1 to an extent of 12 cents at Namagiripettai Village, Rasipuram Taluk, Namakkal District on the premise that the 5th respondent has made an oral objection.

3. The learned counsel appearing for the petitioner would submit that rejection of petitioner's request for issuance of joint patta on the basis of some oral objection. If at all the 5th respondent has any objection, it has to be in writing and the petitioner ought to be furnished a copy of the same and an opportunity should be provided to respond. However, the impugned order has been passed without even putting the petitioner on notice thereby, denying the petitioner an opportunity to respond.

4. At the outset, it is submitted by Mr.A.Selvendran, learned Special Government Pleader for respondents 1 to 3 that the protest petition,

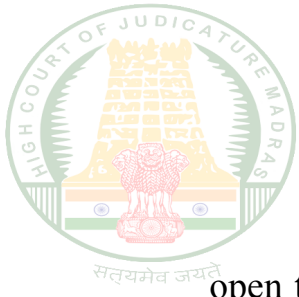


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if any, from the 5th respondent shall be furnished to the petitioner, in case, there is no petition, the respondent will issue notice to the petitioner and the 5th respondent and any other interest parties and conduct enquiry thereafter, orders shall be passed.

5. In view of the same, taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, the order impugned in the Writ Petition is set aside and there shall be a direction to the concerned respondent to consider request made by the petitioner on its own merits and pass appropriate orders in accordance with law, after affording reasonable opportunity of hearing to the petitioner, 5th respondent and any other interested parties / rival claimants, within a period of sixteen (16) weeks from the date of uploading of the web copy order without waiting for certified order copy. On such notice being furnished, it is open to the petitioner to putforth his explanation to the oral objection of the 5th respondent. It is made clear that this Court has not expressed any views with regard to the merits of the representation and it is



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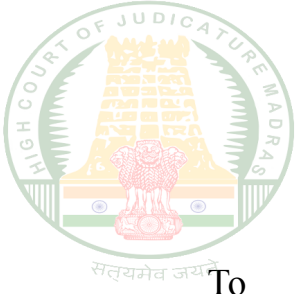
open to the concerned respondent to consider the request on its own merits and in accordance with law.

6. Accordingly, the writ petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

25.08.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
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MOHAMMED SHAFFIQ, J.

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