



WP.No.39668 of 2024

In the High Court of Judicature at Madras

Dated : 06.1.2025

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.39668 of 2024

Raji

Vs

...Petitioner

1.The District Collector,
Peramballur, Peramballur
District.

2.The Sub-Collector,
Peramballur, Peramballur
District.

3.The Tahsildar, Taluk Office,
Aalathur, Perambalur District.

4.The Revenue Tahsildar,
Aalathur, Perambalur District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 4th respondent to execute the proceeding of the 2nd respondent passed on 11.9.2024 in O.Mu.A2/2451/2024 thereby conduct enquiry to issue joint patta No.47, include petitioner's name in Survey No.245/9, Padalur West, Aalathur Taluk, Perambalur District.



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For Petitioner : Mr.D.Veerakumar
For Respondents : Mr.M.R.Gokul Krishnan, AGP

ORDER

The petitioner has approached this Court seeking to direct the fourth respondent to execute the proceedings of the second respondent dated 11.9.2024, conduct an inquiry and include his name in joint patta No.47 in respect of the property measuring 0.82 cents in Survey No.245/9, Padalur West, Aalathur Taluk, Perambalur District.

2. What the petitioner wants is an early consideration of his representation dated 26.7.2024 by the second respondent challenging the order of the third respondent, who had removed the name of the petitioner from the joint patta.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the respondents.

4. The case of the petitioner is as follows :

(i) Originally, the subject property belonged to one Mr.Veeran. The said Mr.Veeran had two sons namely the petitioner's father - Mr.Maruthamoopan and Mr.Vempadiyan. The petitioner is the only



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legal heir of the said Mr.Maruthamoopan whereas the said Mr.Vempadiyan had two daughters - Mrs.Ammasi and Mrs.Pattammal. They had been enjoying the subject property without any partition.

(ii) The petitioner had shifted his residence away from his home town to eke out his livelihood. While so, suppressing the fact that the petitioner is a co-sharer in the subject property and posing as if she is the lone legal heir, the said Mrs.Ammasi got the patta transferred in her name. In turn, on coming to know of the same, the petitioner got his name included in the joint patta issued by the Zonal Deputy Tahsildar, Aalathur.

(iii) Later, based on the general power of attorney executed by the said Mrs.Ammasi, one Mr.Kandasamy executed a settlement deed in favour of her three sons - Mr.Pitchaimuthu, Mr.Kaliyaperumal and Mr.Ramar. After the demise of the said Mrs.Ammasi, her three sons filed O.S.No.336 of 2014 on the file of the District Munsif Court, Perambalur seeking a permanent injunction against the petitioner, in which, the petitioner filed a written statement. However, the said suit was dismissed for default subsequently.

(iv) In turn, the petitioner filed O.S.No.40 of 2024 on the file of the Principal District and Sessions Court, Perambalur against the three sons of the said Mrs.Ammasi, the said Mr.Kandasamy and three



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subsequent purchasers seeking partition of half share in the subject property and to allot the same to the petitioner. This suit is still pending.

(v) While the suit filed by the petitioner is pending, the third respondent, without issuing notice nor conducting an inquiry, removed the petitioner's name from the joint patta. Hence, the petitioner made a representation dated 20.5.2024 to respondents 1 and 3. Further, the petitioner also made a representation dated 26.7.2024 to the second respondent. However, to date, the said representations have not been considered. Hence the writ petition.

5. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record.

6. Since the third respondent removed the name of the petitioner from the joint patta without issuing any notice nor conducting an inquiry and since the representations sent by the petitioner did not evoke any response, the writ petition is allowed, patta No.47 issued by the third respondent is set aside and the matter is remitted back to the third respondent, who shall conduct an inquiry



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by issuing a notice to the petitioner and other co-owners, hear their objections and thereafter pass orders either restoring the name of the petitioner in the joint patta or rejecting the representation. In either case, a speaking order shall be passed by the third respondent. The above exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. No costs.

06.1.2025

To

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District.
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