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W.P.No. 1390 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.1390 of 2025

A.S.Palanisamy

... Petitioner-in-Person

Vs

1.The District Collector
Erode District - 638 011.

2.The Tahsildar
Modakkurchi Taluk
Erode District - 638 104.

3.The Modakkurchi Regional Deputy Tahsildar
Modakkurchi
Erode District - 638 104.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to direct the third respondent to issue joint patta in the physical form in the name of the petitioner-in-person, his sister Tmt.M.Chandra and nephew C.Saravanan in regard to the house property at Andakothampalayam, Thuyyampoondurai (௨) Village in Natham Survey No.1776/2 to an extent of 0.01.40 hectare under the jurisdiction of Modakkurchi Taluk in Erode



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District after deleting the name of their late mother Pavayaal @ Pavayee Ammal in Patta No.335 and pass order in accordance with law within a time frame that may be stipulated by this Court.

For Petitioner : Mr.A.S.Palanisamy
Party-in-Person

For Respondents 1 to 3: Mr.M.R.Gokul Krishnan
Additional Government Pleader

ORDER

This writ petition is filed seeking a mandamus to the first respondent to direct the third respondent to issue joint patta to the subject property.

2. Mr.A.S.Palanisamy as party-in-person appeared before this Court and would submit that his mother Pavayaal @ Pavayee Ammal owned a house property and vacant site having an extent of 0.01.40 hectrarees in Natham Survey No.1776/2 in Thuyyampoondurai (@) Village in Erode District. She was assigned Thoraya patta bearing No.302 for the said property. Apart from the petitioner herein, Pavayammal had two daughters viz., Chandra and Sampooranam, of whom Sampooranam died,



leaving behind a son Saravanan. After his mother's demise on 18.02.2005, the party-in-person approached the respondent for transfer of patta in his name. Since his request was in vain, he filed a writ petition in W.P.No.35880 of 2015, seeking for transfer of patta in his name and a direction was passed by this Court on 07.10.2016 to consider the plea of A.S.Palanisamy.

3. Pursuant to the directions of this Court, the third respondent vide his proceedings dated 17.11.2016 had rejected the plea of the party-in-person for transfer of patta in his name on the ground that though the other legal heirs have no objection in transferring the patta in favour of the petitioner/party-in-party, but no settlement deed or a deed relinquishing their rights over the said property by the other legal representatives of Pavayee Ammal was produced before the authority.

4. Thereafter, the petitioner / party-in-person preferred an appeal petition before the District Collector, Erode District on 15.05.2017, who



vide his proceedings dated 26.07.2017, had relied on the Revenue Standing Order 31-6(1), and reiterated that in case of transfer of patta, it should be in the names of all the legal heirs having right over the property, and rejected the claim of the petitioner/party-in-person.

5. The petitioner/party-in-person would now submit that a joint patta may be issued by the third respondent including his name, Chandra, his sister and Saravanan, his nephew, and a representation in this regard was pending before the respondents since eight years. Hence, the petitioner/party-in-person seeks leave of this Court to issue a joint patta for the subject property in question.

6. Heard both sides and perused the materials placed before it.

7. It is seen that vide proceedings dated 17.11.2016 and 26.07.2017, the third and first respondent respectively had agreed for issuance of joint patta to the petitioner/party-in-person including the other legal



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representatives of Pavayee Ammal, despite which, no orders have been passed.

8. The writ petition is allowed and this Court directs the third respondent to take into account this representation now made by the petitioner/party-in-person and consequently issue patta in the joint names of the petitioner, his sister Chandra and his nephew C.Saravanan, S/o.late Sampooranam, by considering his representation alongside this order. The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. No costs.

23.01.2025

Index: Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No

To:

1.The District Collector

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P.T.ASHA, J.,

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