



W.P.(MD)No.852 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.02.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.852 of 2024

Y.Antonysamy

... Petitioner

/Vs./

1. The Commissioner of Land Administration,
Chepauk, Chennai.
2. The District Collector,
Trichy District,
Trichy.
3. The District Revenue Officer,
Trichy District, Trichy.
4. The Revenue Divisional Officer,
Trichy District, Trichy.
5. The Thasildar,
Trichy Taluk,
Trichy District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating



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to the impugned order dated 15.09.2023 of the third respondent in his proceedings in Na.Ka.Aa6/38061/2023 and subsequent impugned order dated 22.12.2023 in proceedings in Oo.Mu.Aa6-38061-2023 of the second respondent pronounced through third respondent and quash the same as illegal and consequently directing the respondents 2 and 3 to issue patta in favour of the petitioner, based on his sale deed dated 06.06.2012 in accordance with law within time limit as prescribed by this Court.

For Petitioner : Mr.S.Saravana Kumar

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The petitioner challenges the impugned order passed by the third on 15.09.2023 in Na.Ka.Aa6/38061/2023 on the subsequent impugned order dated 22.12.2023 in Oo.Mu.Aa6-38061-2023 on the file of the second respondent.

2. The specific case of the petitioner is that his mother was owning 163 sq.meters in Survey No.767/19 in and by sale deed dated 06.06.2012. The petitioner being the son of Arockia Marry has purchased 115.38 square metres out of the total 163 square metres. Thereafter, the



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petitioner has sought for issuance of patta in and by the impugned order, the third respondent has come to the conclusion that the petitioner is entitled only to 96 square meters and the remaining 67 square meters has to be retained in the name of his mother. The Revenue Authorities have also subdivided the lands as 767/19A and 767/19B, in the name of the petitioner and his mother respectively.

3. From the impugned order, as rightly contended by the learned counsel for the petitioner, there is no reason assigned as to why the mother is said to be entitled to 67 square meters and admittedly in and by registered Will, in favour of the petitioner, who is none other than her son, the subdivision of survey No. 767 / 19, 19A being assigned to the petitioner for an extent of 96 square metres and 767/19B, entitling the mother to the remaining 67 square metres. The impugned order is therefore wholly unsustainable and does not stand justified. It is also the case of the petitioner that he was not given an opportunity before passing the said impugned order. In view of the above, the matter is remitted to the first respondent for fresh consideration.



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4. In view of the above, the impugned order passed by the third respondent is set aside and the matter is remitted to the third respondent, who shall afford an opportunity to the petitioner to produce all relevant documents, in support of his application for patta to an extent of 115.38 square metres and the third respondent shall consider the application of the petitioner, on merits and in accordance with law, and if necessary, after hearing the petitioner's mother, shall pass order therein. The said exercise shall be completed within period of eight weeks from the date of receipt of copy of this order.

5. With the above direction, this Writ Petition is disposed of.

There shall be no order as to costs.

Index : Yes / No

NCC : Yes / No

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P.B. BALAJI, J.

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