



W.P.(MD) No.1821 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:14.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.1821 of 2024

S.Selvakumar

... Petitioner

VS.

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The Tahsildar,
Kariapatti Taluk,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the third respondent in O.Mu.A6/345/2023, dated 25.01.2023 and to quash the same and direct the respondents to issue a separate patta in favour of the petitioner pertaining to the punja lands to an extent of about 1 acre comprised in S.No.82/3A, T.Chettikulam Group, Isalimadai Village, Kariapatti Taluk, Virudhunagar District by considering the representation of the application of the petitioner dated 01.04.2023, within a time frame as fixed by this Court.

For Petitioner : Mr.G.Aravinthan

For Respondents : Mrs.S.Jeyapriya
Government Advocate



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ORDER

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The petitioner challenges the order of rejection of the third respondent in O.Mu.A6/345/2023, dated 25.01.2023 rejecting the request of the petitioner for issuance of separate patta in respect of lands measuring 1 acre comprised in S.No.82/3A, T.Chettikulam Group, Isalimadai Village, Kariapatti Taluk, Virudhunagar District.

2.The petitioner's application has been rejected in and by the impugned order stating that the petitioner has not been able to produce the title deed in connection with the subject lands. It is seen from the records that the petitioner has purchased the property in and by the sale deed dated 05.11.1997. The said sale deed is a registered sale deed executed by the power agents of Karuppiah and Thoththan, who have declared in the said sale deed that the property was inherited by them by way of ancestral nucleus. There is no reference to any registered documents in the name of the said vendors even in the sale deed dated 05.11.1997. However, the petitioner has been able to produce patta No.100 which stands in the name of the vendors of the petitioner and also an encumbrance certificate for the period from 01.11.1997 to 30.11.2022, which does not reflect any other encumbrance affecting the title of the petitioner. Therefore, the reason of the first respondent to reject the application for patta especially when the



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earlier patta had already been mutated in the name of the vendors of the petitioner is unsustainable in the eye of law and therefore, I am constrained to set aside the impugned order of the first respondent.

3.In view of the above, this Writ Petition is allowed and the impugned order, dated 25.01.2023 in O.Mu.A6/345/2023 passed by the third respondent is set aside and the matter is remitted to the first respondent to rehear the matter, given an opportunity to the petitioner and based on the representation of the petitioner dated 01.04.2023 pass fresh orders regarding the entitlement of the petitioner to patta without insisting on production of the original parent title deed. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

14.02.2025

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NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

1.The District Collector,
Virudhunagar District, Virudhunagar.



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2.The Tahsildar,
Kariapatti Taluk,
Virudhunagar District.

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