



W.P.(MD)No.19172 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.02.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.19172 of 2015

and

M.P(MD)No.1 of 2015

M.Sundari

.... Petitioner

/Vs./

1.The District Collector,
Collectorate,
Thanjavur District,
Thanjavur-613 001.

2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Thanjavur,
Thanjavur District.

3.The Tahsildar,
Thanjavur Taluk Office,
Thanjavur Post,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the second Respondent in Na.Ka.970/2015 A2 dated 10.08.2015 and quash the same and



W.P.(MD)No.19172 of 2015

WEB COPY

consequently direct the second respondent to consider the petitioner's representation dated 13.07.2015 under Tamil Nadu Patta Pass Book Act and to issue patta in favour of the petitioner's name in respect of the land situated in Survey Nos.234/48 and 234/49, Nanjikottai Village, Maharnombuchavadi Sub-Registry, Thanjavur Taluk, Thanjavur District based on the sale deed produced by the petitioner.

For Petitioner : Mr.K.Dinesh
For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The writ petition challenges the impugned order on the file of the second respondent in Na.Ka.970/2015 A2 dated 10.08.2015 and to consequently direct the second respondent to consider the petitioner's representation for issuance of patta in respect of survey numbers 234/48, 234/49, Nanjikottai Village, Thanjavur District.

2. I have heard the learned counsel appearing for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader appearing for the respondents.

3. Admittedly, the impugned order has rejected the petitioner's request for insurance of patta solely on the ground that the property is



W.P.(MD)No.19172 of 2015

WEB COPY

now lying within the jurisdiction of Nanjikottai Village as well as Villar Village Panchayat and therefore, without rectifying the documents under which the petitioner claims right and title, the second respondent would not be in a position to issue patta.

4. The learned counsel for the petitioner would invite my attention to the Judgment and decree in O.S.No.90 of 2012, to which, the Tashildar as well as the District Collector, Thanjavur and the President of the Panchayat, Vilar were parties. The said suit was decreed in favour of the writ petitioner and her husband K. Maruthu Pandi. While considering the issues in the suit the learned Additional District Munsif Judge, Thanjavur has rendered a categorical finding that only after the purchase effected by the petitioner and her husband, portion of the property has fell within the jurisdiction of Vilar panchayat. As long as the petitioner and her husband having purchased the lands in Nanjikottai Village and on which date, there was no part of the suit property falling within the jurisdiction of Vilar Panchayat, the petitioner's request for re-issuance of patta cannot be rejected on the ground of the property falling within different jurisdiction.



W.P.(MD)No.19172 of 2015

WEB COPY

5. In the light of the above, I am constrained to set aside the impugned order passed by the second respondent, dated 10.08.2015 and the matter is remitted to the second respondent for fresh consideration of the petitioner's application for patta. However, it is brought to my attention that the very same Tashildar is exercising jurisdiction over both the villages and hence, it would suffice to issue a direction to the Tahsildar, Nanjikottai to consider the petitioner's representation for issuance of patta and pass orders on the same if otherwise, the petitioner is entitled to. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of the order.

6. Accordingly, the writ petition is allowed setting aside the impugned order dated 10.08.2015 passed by the second respondent and with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
am

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P.B. BALAJI, J.

am

Order made in
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