



W.P.(MD) No.26433 of 2022

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.26433 of 2022

Ramu

... Petitioner

VS.

1.The District Collector,
Pudukkottai District, Pudukkottai.

2.The District Revenue Officer,
Pudukkottai District, Pudukkottai.

3.The Tahsildar,
Aranthangi Taluk,
Pudukkottai District.

4.Balamani

5.Rengasamy

... 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 pertaining to the impugned order issued by the above second respondent vide Ni.Mu. 18208/2020(D3), dated 29.11.2021 and quash the same as illegal and consequently, direct the second respondent to issue separate patta in the petitioner's name.

For Petitioner : Mr.E.Balasubramanian

For Respondents : Mr.C.Satheesh

Government Advocate for R1 to R3

No Appearance for R4

Mr.T.Sathyanathan for R5



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ORDER

The petitioner challenges the impugned order of the second respondent in Ni.Mu.18208/2020(D3), dated 29.11.2021 rejecting the petitioner's appeal for issuance of separate patta.

2.Heard Mr.E.Balasubramanian, learned counsel appearing for the petitioner, Mr.C.Satheesh, learned Government Advocate appearing for the official respondents 1 to 3 and Mr.T.Sathyanathan, learned counsel appearing for the fifth respondent.

3.The grievance of the petitioner is that the application for separate patta was based on the oral partition amongst family members. Though separate patta has been issued to the other co-owners on similar requests made by them based on the very same oral partition, when the petitioner sought separate patta to be issued in his name, the second respondent rejected the said request only on the ground that the division is by way of an oral partition and not supported by any written/registered documents.

4.In fact, the learned counsel for the fifth respondent would submit that the



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fifth respondent is a paternal uncle of the writ petitioner and the fifth respondent has already been granted patta based on the oral partition amongst the family members after the demise of Mr.Chockalingam, the grandfather of the petitioner. When the request of the other co-owners who have separated the shares by way of oral partition has been accepted and separate patta has been issued to them, there is no justification for the second respondent to reject the request of the petitioner, when such a request for separate patta is also based on the very same oral partition amongst the very same family members.

5.In view of the above, the impugned order is liable to be set aside and accordingly, it is set aside and this petition is allowed. The second respondent is directed to issue separate patta in the petitioner's name, 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,
Pudukkottai District, Pudukkottai.



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2.The District Revenue Officer,
Pudukkottai District, Pudukkottai.

3.The Tahsildar,
Aranthangi Taluk,
Pudukkottai District.

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