



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.09.2015
CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.16991 of 2015

1.Mrs.A.Lakshmiyammal
2.Mr.A.Ragupandian

...Petitioners

Vs.

1.The District Collector, Collectorate Office,
Tuticorin & District.

2.The Thasildhar, Taluk Office,
Ottapidaram, Tuticorin District.

...Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the second respondent to issue patta in the name of the first petitioner for 85 ½ cents situated at S.No.21/1A1 in Sinthalakattai Village, Ottapidaram Taluk, Tuticorin District and issue patta in the name of the second petitioner for 9 ½ cents situated at S.No.21/1A1 in Sinthalakattai Village, Ottapidaram Taluk, Tuticorin District as per the representation given by these petitioners on 11.08.2015.

For petitioners	: Mr.B.Rajesh Saravanan
For Respondents	: Mr.M.Murugan, Government Advocate

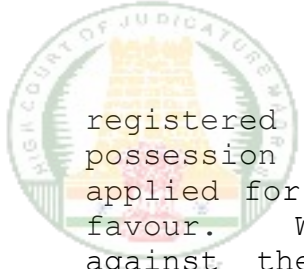
ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the second respondent to issue patta in the name of the petitioners in respect of the properties in S.No.21/1A1 situated at Sinthalakattai Village, Ottapidaram Taluk, Tuticorin District (for the first petitioner 85 ½ cents and for the second petitioner 9 ½ cents), by considering the representation of the petitioners, dated 11.08.2015.

2. Mr.M.Murugan, learned Government Advocate takes notice for the respondents.

3. By consent, the Writ Petition itself is taken up for final disposal.

4. The case of the petitioners is that the first petitioner had purchased 85 ½ cents of land in Survey No.21/1A1 situated at Sinthalakattai Village, Ottapidaram Taluk, Tuticorin District from various persons vide sale deeds bearing Registration Nos.176/1963; 186/1963; 417/1963; 855/1978; 856/1978; 967/1978; 790/980 & 791/1980 and she is in possession and enjoyment of the same. Likewise, the second petitioner had purchased 9 ½ cents in the same survey number by way of a



registered sale deed bearing registration NO.793/2001 and he is in possession and enjoyment of the same. Thereafter, the petitioners applied for subdivision of the properties and to issue patta in their favour. While the matter stood thus, one Ragava Perumal filed a suit against the petitioners in O.S.No.677 of 2004 on the file of the Principal District Munsif Court, Tuticorin for declaration and permanent injunction. After trial, the said suit was dismissed on 06.12.2006. Thereafter, the said Ragava Perumal filed an appeal before the Sub-Court, Tuticorin in A.S.No.54 of 2007 and the same was also dismissed on 18.10.2011. Thereafter, no appeal has been filed by the said Ragava Perumal. Thus, the judgment and decree passed in A.S.No.54 of 2007 has become final. Subsequently, the petitioners approached the second respondent on 28.07.2014 and gave a petition to issue individual patta to the petitioners in respect of the above said properties. Since the same was not considered, once again the petitioners submitted a representation before the respondents on 11.08.2015. But, the same was also not considered so far. Hence, the petitioners have come forward with the present Writ Petition for the above stated relief.

5. Considering the submissions made by the learned counsel for the petitioners, without going into the merits of the claim made by the petitioners, the second respondent is directed to consider the representation of the petitioners, dated 11.08.2015 and pass appropriate orders with regard to issuance of patta in favour of the petitioners, by affording an opportunity of hearing to all the necessary parties, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioners and it is for the second respondent to consider the same purely on merits.

With the above direction, the Writ Petition is disposed of.
No Costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

pm
To

1.The District Collector, Collectorate Office,
Tuticorin & District.

2.The Thasildhar, Taluk Office,
Ottapidaram, Tuticorin District.

+1CC to Mr.B,Rajesh Saravanan Advocate Sr.No.55667

+1CC to Spl.Government Pleader Sr.No.55785

GJM/AMF/8.10.15-2P-5C

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