



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.09.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD) .No.17039 of 2015

H.Fathima Beevi

...Petitioner

Vs.

1.The Revenue Divisional Officer,
District Collector Office Campus,
Kokkirakulam, Tirunelveli.

2.The Tahsildar, Tahsildar Office,
Kokkirakulam, Tirunelveli District. ...Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to include the petitioner's name in the joint patta in the light of the petitioner's representation, dated 03.08.2015.

For petitioner	: Mr.R.Pon Karthikeyan
For Respondents	: Mr.S.Kumar, Additional Government Pleader

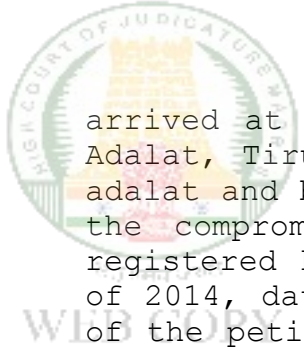
ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the respondents to include the petitioner's name in the joint patta in the light of the petitioner's representation, dated 03.08.2015.

2. Mr.S.Kumar, learned Additional Government Pleader takes notice for the respondents.

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

4. The case of the petitioner is that the properties comprised in Survey No.55 measuring to an extent of 32 cents and 88 cents respectively situated in T.S.No.Ward No.6, Block No.22, T.S.No.2642 and 2638, Ward No.44 of Tirunelveli Municipality, Pettai Village, Tirunelveli District originally belonged to the petitioner's husband late.Hassan Khan. The husband of the petitioner inherited the said property from his father namely Mohabath Khan Sahib. The petitioner's husband died leaving behind the petitioner and her two daughters as his legal heirs. Subsequent to the death of the petitioner's husband, the above said properties are in possession and enjoyment of the petitioner and her two daughters. Thereafter, the daughters of the petitioner insisted for partition of the above said properties. Hence, they filed a suit for partition in O.S.No.66 of 2013 on the file of the III Additional District Judge, Tirunelveli. During pendency of the said suit, amicable settlement was



arrived at between the parties and the suit was posted before the Lok Adalat, Tirunelveli. On 21.01.2014 joint memo was filed before the lok adalat and based on the joint memo, lok adalat award was passed recording the compromise memo. Subsequently, the lok adalat decree was also registered before the Pettai Sub-Registrar Office, vide document No.2323 of 2014, dated 13.02.2014. As per the terms of settlement, the daughters of the petitioner received Rs.16,00,000/- towards their 2/3 share in the above properties and consented to pass final decree based on the settlement and they have also registered their consent before the concerned Registrar office. Subsequent to the settlement and lok adalat decree, the petitioner made a representation before the second respondent on 25.06.2014 to include her name in the joint patta in respect of the above said properties. Since the same was not considered, the petitioner made another representation to the first respondent on 03.08.2015 to direct the second respondent to include her name in the joint patta. But the same was also not considered so far. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. Considering the submissions made by the learned counsel for the petitioner, without going into the merits of the averments made in the Writ Petition, this Court directs the petitioner to approach the second respondent along with a copy of the representation, dated 03.08.2015, along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law by affording an opportunity of hearing to all the necessary parties within a period of four weeks thereafter. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner 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 (Writs)

/True Copy/

Sub Assistant Registrar

pm

To

1.The Revenue Divisional Officer, District Collector Office Campus,
Kokkirakulam, Tirunelveli.

2.The Tahsildar, Tahsildar Office,
Kokkirakulam, Tirunelveli District.

+1CC to Mr.R.Pon Karthikeyan Advocate Sr.No.55600

+1CC to Spl.Government Pleader Sr.No.55791

CSL/SKS/RR/1.10.15-2P-5C