WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.10.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.18112 of 2015

Devi ...Petitioner

Vs.

1.The District Collector,
Theni Disrict,
Theni.

2.The Tahsildar,
Andipatti Taluk,
Theni 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 consider the petitioner's representation, dated 16.06.2015 (i.e) to issue separate patta in favour of the petitioner in his land in Sy.No.133/1A at Marikundu Village, Rethimmakkal Patti, Andipatti Taluk, Theni District.

For petitioner : Mr.S.Ramesh Babu

For Respondents : Mr.S.Kumar,
Additional Government Pleader, takes notice.

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the second respondent to consider the petitioner's representation, dated 16.06.2015 to issue separate patta in favour of the petitioner in respect of her land in survey No.133/1A situated at Marikundu Village, Rethimmakkal Patti, Andipatti Taluk, Theni District.

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. In the affidavit it has been averred that the petitioner had purchased the land in Survey No.133/1 situated at Marikundu Village, Rethimmakkal Patti, Andipatti Taluk, Theni District from one Nallakkal, w/o.Ayyyana Naidu vide document No.437, dated 13.02.2006 on the file of the Sub-Registrar Office, Andipatti. Subsequently, the above said survey number was sub-divided as Survey No.133/1A. The petitioner had applied for patta in her favour in respect of the above said land in Survey

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

No.133/1A. But joint patta was issued in favour of the petitioner and others in patta No.951. Thereafter, the petitioner has made a representation to the second respondent on 16.06.2015 to issue separate patta to her in respect of the said land. But the same was not considered so far. Hence, she 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, this Court is constrained to pass the following order:

Without going into the merits of the averments made in the Writ Petition, the second respondent is directed to consider the representation of the petitioner, dated 16.06.2015 and pass appropriate orders on merits and in accordance with law, by affording an opportunity of hearing to all the necessary parties, with regard to issuance of separate patta to the petitioner in respect of her land in survey No.133/1A situated at Marikundu Village, Rethimmakkal Patti, Andipatti Taluk, Theni District, 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 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(AE)

/True copy/

Sub Assistant Registrar

pm

To
1.The District Collector,
Theni Disrict, Theni.

2.The Tahsildar,
Andipatti Taluk,
Theni District.

+one cc to Mr.S.Ramesh, Advocate in SR.No.59222
+one cc to The Special Government Pleader, SR.No. 59341

W.P(MD).No.18112 of 2015
07.10.2015

CSL/MP/20.10.2015
2P/5C

https://hcservices.ecourts.gov.in/hcservices/