



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

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W.P(MD)No.19249 of 2015

Paridha

..Petitioner

Vs

1.The District Collector,
Trichy District.

2.The Thasildhar,
Lalgudi Taluk,
Trichy District.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS directing the second respondent to pass orders for transfer the patta in the name of the petitioner for the property house site measuring about 319 sq. ft. comprised in Survey No.128 in Sathamangalam Village, Lalgudi Taluk, Trichy District on the petitioner's representation, dated 25.08.2015.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.M.Murugan,
Government Advocate

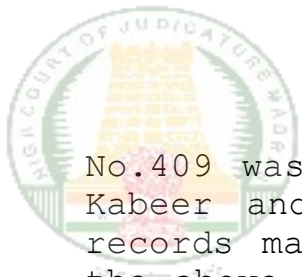
ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the second respondent to consider the representation of the petitioner, dated 25.08.2015 and pass orders for transfer of patta in the name of the petitioner for the property house site measuring about 319 sq. ft. comprised in Survey No.128 in Sathamangalam Village, Lalgudi Taluk, Trichy District within a stipulated time.

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. In the affidavit it has been averred that the house site measuring 319 sq. ft. compromised in Survey No.128 in Sathamangalam Village, Lallgudi Taluk, Trichy District, originally belonged to one Kasim Rowther, who is the grandfather of the petitioner and his brother Kabeer. Natham Form IV patta



No.409 was issued in favour of the above said Kasim Rowther and Kabeer and the same was classified as "Natham" in the revenue records maintained by the second respondent. After the demise of the above said Kasim Rowther, his son K.Batchu, who is the father of the petitioner, succeeded his interest in the above said property. Thereafter, the above said Kabeer and the father of the petitioner by name Basha entered into a partition of the property and thereby the above said property was allotted to the share of the petitioner's father Basha. The petitioner's father constructed a residential house in the above said property. Thereafter, he executed a registered gift settlement deed, in favour of the petitioner vide Doc.No.3381 of 2013, dated 05.09.2013. From that day onwards, the petitioner is in possession enjoyment of the above said property and she is paying property tax for the same. Thereafter, the petitioner has applied for transfer of patta before the second respondent on 06.05.2015. Since there was no action, she has made a representation before the second respondent on 05.08.2015 for transfer of patta in her name. The same was not considered so far. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. Considering the submission 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 second respondent to consider the representation of the petitioner, dated 25.08.2015 and pass appropriate orders, on merits and in accordance with law, by affording an opportunity of hearing to the petitioner and all other necessary parties, within a period of six 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(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector, Trichy District.

2.The Thasildhar, Lalgudi Taluk, Trichy District.

+1cc to Spl.GOvernemnt Pleader Sr.No. 62555

pm

AA/SK-SKN/03.11.2015/2p-4c