



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2015
CORAM

THE HONOURABLE MR. JUSTICE R. SUBBIAH

W.P (MD) No.19475 of 2015

P.Lakshmanan

..Petitioner

Vs

1.The District Collector, Thoothukudi,
Thoothukudi District.

2.The Revenue Divisional Officer,
Thiruchendur, Thoothukudi - District.

3.The Thasildar, Thiruchendur Taluk Office,
Thoothukudi District.

4.The Village Administrative Officer,
Seenam Thoppu Village, Thiruchendur Taluk,
Thoothukudi 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 third respondent to consider the petitioner's representation, dated 22.05.2015 to issue patta in respect of Survey No.751/1L situated in Vannimanagaram, Kandasampuram Village, Tiruchendur Taluk at Thoothukudi District.

For Petitioner :Mr.M.Manivelpandian
For Respondents :Mr.M.Murugan,
Government Advocate

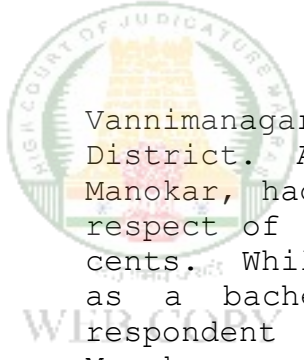
ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the third respondent to consider the petitioner's representation, dated 22.05.2015 to issue patta in respect of Survey No.751/1L situated in Vannimanagaram, Kandasampuram Village, Tiruchendur Taluk at Thoothukudi District.

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 petitioner had married one Velammal and due to the wedlock, four children were born to them. The petitioner's mother-in-law by name Sivathalammal, during her lifetime had executed a registered gift deed in favour of her minor grandsons namely Danasekaran and Manokar in respect of the properties in Survey No.751/1L(5 cents) and in Survey No.733/1B(21 cents) situated at



Vannimanagaram, Kandasampuram Village, Thiruchendur Taluk, Thoothukudi District. After attaining majority, the above said Danasekaran and Manokar, had executed a sale deed in favour of one Duraipandian Nadar in respect of the property in Survey No.733/1B measuring to an extent of 21 cents. While the matter stood thus, on 29.02.2004, the said Manokar died as a bachelor. So that, the petitioner had approached the third respondent to issue legal heirship certificate to his deceased son Manokar. The third respondent had conducted enquiry through the fourth respondent and issued legal heirship certificate in favour of the petitioner on 23.07.2013 vide Pa.Mu.12258/2013(Aa4). Based on the same, the petitioner has been enjoying the property belonged to his son Manokar. Thereafter, the petitioner has made a representation before the third respondent to issue patta in favour of the petitioner in respect of the land in Survey No.751/1L. Since the same was not considered so far, 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 third respondent to consider the representation of the petitioner, dated 22.05.2015 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 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 third respondent to consider the same purely on merits.

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

Sd/-
Assistant Registrar (CSII)

/True Copy/

Sub Assistant Registrar

pm
To

- 1.The District Collector, Thoothukudi, Thoothukudi District.
- 2.The Revenue Divisional Officer, Thiruchendur, Thoothukudi - District.
- 3.The Thasildar, Thiruchendur Taluk Office,
Thoothukudi District.
- 4.The Village Administrative Officer,
Seenam Thoppu Village, Thiruchendur Taluk,
Thoothukudi District.

+1CC to Mr.M.M.Manivel Pandian Advocate Sr.No.63236
+1CC to Spl.Government Pleader Sr.No.63175