

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No. 11281 of 2016

Mrs.Sakthivelmani

... Petitioner

Vs.

1. The District Collector,
Coimbatore District,
Coimbatore.

2. The Tahsildar,
Taluk Office South,
Coimbatore-18,
Coimbatore District.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 2nd respondent, viz., the Tahsildar, Taluk Office South, Coimbatore-18, Coimbatore District, to consider and pass orders on the representation of the petitioner submitted before him on 15.06.2015 in order to make survey to the lands of the petitioner and issue separate patta for the same.

For Petitioner : Mr.A.G.Rajan

For respondents : Mr.V.S.Ramesh,
Government Advocate.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2. The petitioner has come forward with the present Writ of Mandamus directing the second respondent to consider and pass orders on the representation submitted by the petitioner on 15.06.2015 in order to make survey of her lands and issuance of separate patta.

3. The petitioner's father late Mr.Iyyasamy Gounder was in possession and enjoyment of the lands comprised in Survey

No.831, 836 & 837 measuring to an extent of 2.12 acres at Madhukarai village, Coimbatore South Taluk, Coimbatore District. Patta, Chitta and Adangal for the above said lands are also standing in the name of her father. The petitioner's father died on 11.04.2015. During his life time, petitioner's father executed a registered Will in favour of the petitioner and her sister Rukmani in the year 2007. Thereafter, petitioner and her sister inherited the said property as per the said Will and they are in possession and enjoyment of the said lands without any hindrance. While being so, in order to get patta in their name, the petitioner submitted an application before the second respondent on 15.06.2015 requesting them to make a survey of the said lands, as per the Will dated 20.06.2007 and issue separate Patta for their lands. But, till date, no steps have been taken for surveying the lands. Hence, she has come forward with the present writ petition.

4. Heard the submissions of learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

5. Considering the facts and circumstances, without going into the merits of the claim of the petitioner, this Court directs the second respondent to consider the representation of the petitioner dated 15.06.2015 and pass an appropriate order with regard to the issuance of separate Patta in respect of the lands in S.Nos.831, 836 & 837, situated at Madhukarai village, Coimbatore South Taluk, Coimbatore District, within a period of eight weeks from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner as well as to the necessary parties, if any. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petitioner. It is for the second respondent to decide the issue purely on merits.

6. The writ petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The District Collector,
Coimbatore District,
Coimbatore.

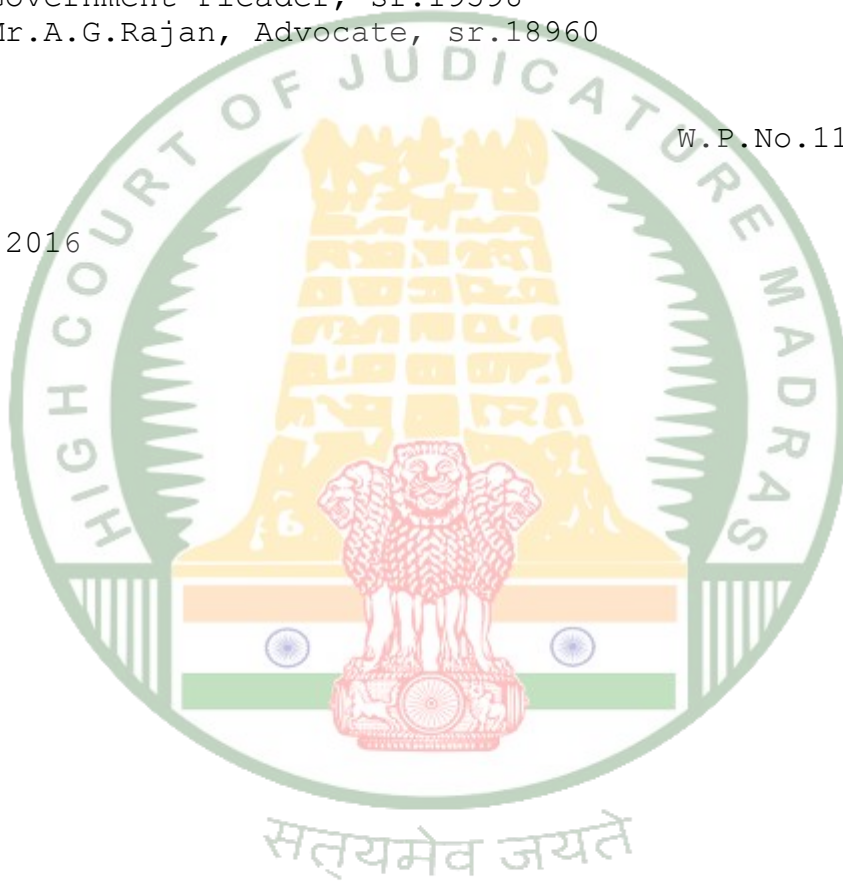
2. The Tahsildar,
Taluk Office South,
Coimbatore-18,
Coimbatore District.

+1 cc to Government Pleader, sr.19598

+1 cc to Mr.A.G.Rajan, Advocate, sr.18960

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