

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.13919 of 2016

M.Rajeswari

... Petitioner

vs.

1.The District Collector,
Coimbatore District,
Collector Office,
Coimbatore.

2.The Revenue Inspector,
Coimbatore North,
Coimbatore.

3.The Tahsildar,
Coimbatore North,
Coimbatore.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider the representation dated 12.2.2016 given to them by the petitioner and consequently directing the respondents to issue the patta in respect of the property admeasuring 14560 sq.ft. situating at Old Survey No.155/1, New Survey No.1226/05, Natham, Kalapatti Village, Coimbatore North Taluk, Coimbatore, in favour of the petitioner.

For Petitioner : Mr.R.Radha Pandian

For Respondents : Mr.V.Jayaprakash Narayanan,
Spl. Govt. Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider her representation dated 12.2.2016 and consequently to direct the respondents to issue the patta in respect of the property admeasuring 14560 sq.ft. situate at Old Survey No.155/1, New

Survey No.1226/05, Natham, Kalapatti Village, Coimbatore North Taluk, Coimbatore, in her favour.

3. It is the case of the petitioner that the property in Old Survey No.155/1, New Survey No.1226/05, Natham, Kalapatti Village, Coimbatore North Taluk, Coimbatore, measuring to an extent of 14560 sq.ft. originally belonged to one Ranganathan Naidu, who acquired the same by way of registered partition deed 7.3.1945 vide document No.1163/1945. The said Ranganathan Naidu died intestate on 23.2.1956, leaving behind his legal heirs and after that, his legal heirs had been in possession and enjoyment of the said property. On 3.11.1965, some of the legal heirs of the said Ranganathan Naidu had released their shares in favour of his sons R.Ramachandren, R.Rajkumar and R.Devarajulu vide document No.1100/1965. Thereafter, they had executed a partition deed between themselves on 5.3.1976 registered as partition deed document No.632/1976. On 10.5.1991, the said R.Ramachandren and his legal heirs sold their property in favour of the petitioner's husband T.Mani and her father in law N.Thiruvenkatasamy by way of registered sale deed vide document Nos.2718/1991 and 2719/1991 respectively. Thereafter, the petitioner's husband and father in law had been in possession and enjoyment of the said property without any interruption. They had also paid necessary taxes and the revenue department issued patta No.1361 in favour of the petitioner's husband and her father in law. While so, the petitioner's husband, mother in law and father in law died leaving behind the petitioner and her children as their legal heirs. So far, the petitioner and his children are in possession and enjoyment of the said property. Thereafter, the petitioner applied for patta with the third respondent on 25.1.2016. But, the third respondent refused to issue patta stating that already the name of the petitioner's husband and father in law was strike out in the earlier patta No.1361. The same was done without serving any notice or without giving any information to the petitioner. In this regard, she made a representation dated 12.2.2016 to the first respondent, which was forwarded to the second respondent. But, so far, neither any enquiry was conducted nor any action was taken on her representation. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the third respondent to consider the representation of the petitioner dated 12.2.2016 and pass appropriate orders / take necessary action, on merits and in accordance with law, by

affording an opportunity of personal hearing to the petitioner as well as to the necessary parties, if any, 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 with regard to the merits of the claim projected by the petitioner and it is for the third respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.
sbi

s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

- 1.The District Collector,
Coimbatore District,
Collector Office,
Coimbatore.
- 2.The Revenue Inspector,
Coimbatore North,
Coimbatore.
- 3.The Tahsildar,
Coimbatore North,
Coimbatore.

+ 1 cc to Mr.R.Radha Pandian, Advocate SR 23491

gjII(co)
prk27/4

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