

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.15056 of 2016

M.Jayalakshmi

... Petitioner

vs.

The Tahsildar,  
Ulipuram Post,  
Kongavalli Taluk,  
Salem District.

... Respondent

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 12.06.2015 and issue patta in the petitioner's name.

For Petitioner : Mrs.D.Rajalakshmi

For Respondent : Mr.V.Jayaprakash Narayanan, Spl.GP

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondent to consider her representation dated 12.06.2015 and issue patta in her name.

2. The case of the petitioner is that the agricultural land comprised in S.No.485/4 admeasuring to an extent of 3.37 cents situated at Ulipuram Village, Athur Taluk, Gangavalli, Erode District and the house comprised in S.No.486/11 admeasuring to an extent of 0.03 cents belonged to one Ramasamy Gounder, who is none else than the father of the petitioner herein. The petitioner's father and mother were separated in the year 1971 and her father again married. While so, her mother has filed a suit in OS.No.1076/1971 before the District Munsif, Salem seeking maintenance for herself as well as for her children and also claiming right over the property owned by the petitioner's father. Pending the suit, the petitioner's father and mother have arrived at a settlement, based on which, the suit was decreed on 02.01.1974. As per the decree passed in the said suit, the petitioner's father has to allot the above said land and house to the petitioner and her brother, but he failed to do so. However, the petitioner's father and mother died on

06.01.2004 and 23.10.2008 respectively. Thereafter, the petitioner and her brother have filed a suit in OS.No.154 of 2014 before the District Munsif, Attur for declaration and possession of the property against their father's relatives and the said suit was decreed in their favour on 23.03.2015. Pursuant to the same, she has taken possession of the above said land and house and made a representation dated 12.06.2015 to the respondent to mutate the patta in her name. However, till date, no action has been taken by the respondent. Therefore, the petitioner has filed the present writ petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader, who took notice for the respondent.

4. Considering the facts and circumstances of the case, this Court directs the respondent to consider the representation of the petitioner dated 12.06.2015, by affording an opportunity of personal hearing to the petitioner as well as to her brother Selvaraj and all the necessary parties, if any and pass appropriate orders, with regard to mutate the patta in the name of the petitioner. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs.

s/d-  
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

The Tahsildar,  
Ulipuram Post,  
Kongavalli Taluk,  
Salem District.

+ 1 cc to Mr.S.Ravichandran,Advocate, SR 25464

+ 1 cc to Govt.Pleader, High Court, Madras SR 25880

svi(co)  
prk23/5

W.P.No.15056 of 2016