

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2016

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.1554 of 2016

M.Bakiyam

.. Petitioner

Vs

1.The District Collector,
Collectorate
Namakkal.

2.The District Revenue Officer,
Namakkal.

3.The Revenue Divisional Officer,
Namakkal.

4.The Tahsildar,
Rasipuram Taluk & Post,
Namakkal.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 3rd and 4th respondents to consider the petitioner's representation dated 03.12.2015 and reminder representation dated 07.01.2016 and also to issue the patta bearing S.No.183/4, 186/4, situated in Ariakoundampatti Village, Namagiri Town Panchayat, Rasipuram Taluk, Namakkal District in favour of the petitioner.

For Petitioner : Mr.A.Rajakumar

For Respondents : Mr.S.V.Durai Solaimalai
Addl.Govt.Pleader.

O R D E R

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

2.The petitioner would state that the properties in S.Nos.183/4, 186/4 of Ariakoundampatti Village in Namagiri Town Panchayat, Rasipuram Taluk, Namakkal District belongs to her father by virtue of registered sale deeds in document Nos.574 of

1997, 575 of 1947 and 334 of 1949. The petitioner's father had been in possession and enjoyment of the property and on 06.08.1985, the petitioner's father executed a Will in favour of the his wife Chellammal. After demise of the petitioner's father, the petitioner mother was in possession and enjoyment of the said property.

3.The petitioner would claim that the petitioner's mother had executed a Will in favour of the petitioner on 06.03.2003, thereafter she died on 06.09.2006. As per the Will she is the owner of the property, therefore, she made a representation on 03.12.2015 requesting the respondents to issue patta in her favour and further sent a reminder on 07.01.2016. Since, no order has been passed, the petitioner filed the present writ petition.

4.Heard the submissions of Mr.A.Rajakumar, learned counsel appearing for the petitioner and Mr.S.V.Durai Solaimalai, Additional Government Pleader who accepts notice on behalf of the respondents.

5.This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the fourth respondent to consider the representation of the petitioner dated 03.12.2015 and reminder dated 07.01.2016 pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

6.The Writ Petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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To

1.The District Collector,
Collectorate
Namakkal.

2.The Distric Revenue Officer,
Namakkal.

3.The Revenue Divisional Officer,
Namakkal.

4.The Tahsildar,
Rasipuram Taluk & Post,
Namakkal.

1 cc to Mr.A. Raja Kumar, Advocate, Sr. 2786
1 cc to Government Pleader, Sr. 2999

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