

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.15608 of 2016

Shajira Begum

Rep by her power of Attorney

K. Sampath

... Petitioner

Vs

1. District Collector
Thiruppur District Thiruppur

2. District Revenue Officer
Thiruppur District Thiruppur

3. Revenue Divisional Officer
Thiruppur District Thiruppur

4. Tahsildar
Thirupur Circle
Thirupur District
Thiruppur

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the 4th respondent herein to consider and dispose of the petitioner's representation dated 18/03/2016 on merits and in accordance with law within a reasonable time frame as fixed by this Court.

For Petitioner : Mr.K.S.Karthik Raja

For Respondents : Mr.S.Navaneethan,
Advocate Government Pleader

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the 4th respondent herein to consider and dispose of his representation dated 18/03/2016 on merits and in accordance with law within a reasonable time.

2. It is the case of the petitioner that the properties to an extent of 2295 sq.ft. and a tiled house situated at Old T.S.No.335/8/2, New T.S.No.335/6/2, Thottipalayam Village, Poompuhar Nagar, Harvey Road, Old Block No.8, New Block No.6, Old Ward No.2, New Ward No.20, Thiruppur Circle, Thiruppur District, originally belonged to one H.Sayuub Khan and he was the absolute owner of the property and has been in possession of the same, which was also confirmed by Judgment and Decree made in O.S.No.640 of 1985 on the file of the District Munsif Court, Thiruppur. It is the further case of the petitioner that the said H.Sayuub Khan died on 23.09.1990 and his wife died on 05.01.2011. Thereafter, the said property was enjoyed by the petitioner's husband Zaheer Hussain without any disturbance. Whiles, the petitioner's husband executed a Settlement Deed in favour of the petitioner on 24.01.2015, which was registered as Document No.4014/2015 and from the date of said settlement, the petitioner is in exclusive possession and enjoyment over the property. In order to carry out the mutations in the revenue records, when the power agent of the petitioner approached the 4th respondent for grant of individual patta in the petitioner's name, the same was not considered. It is the contention of the petitioner that no enquiry was initiated and no steps were taken by the 4th respondent to issue individual patta. Hence, a written representation dated 18.03.2016 was given to the respondents to consider the case of the petitioner. Now, the present writ petition is filed for the above stated relief.

3. Heard Mr.S.Karthik Raja, learned counsel for the petitioner and Mr.S.Navaneethan, learned Additional Government Pleader, who took notice for the respondents.

4. Considering the facts and circumstances of the case, this Court directs the 4th respondent to consider the representation of the petitioner dated 18.03.2016 and pass appropriate orders on the same. 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 4th respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

rg

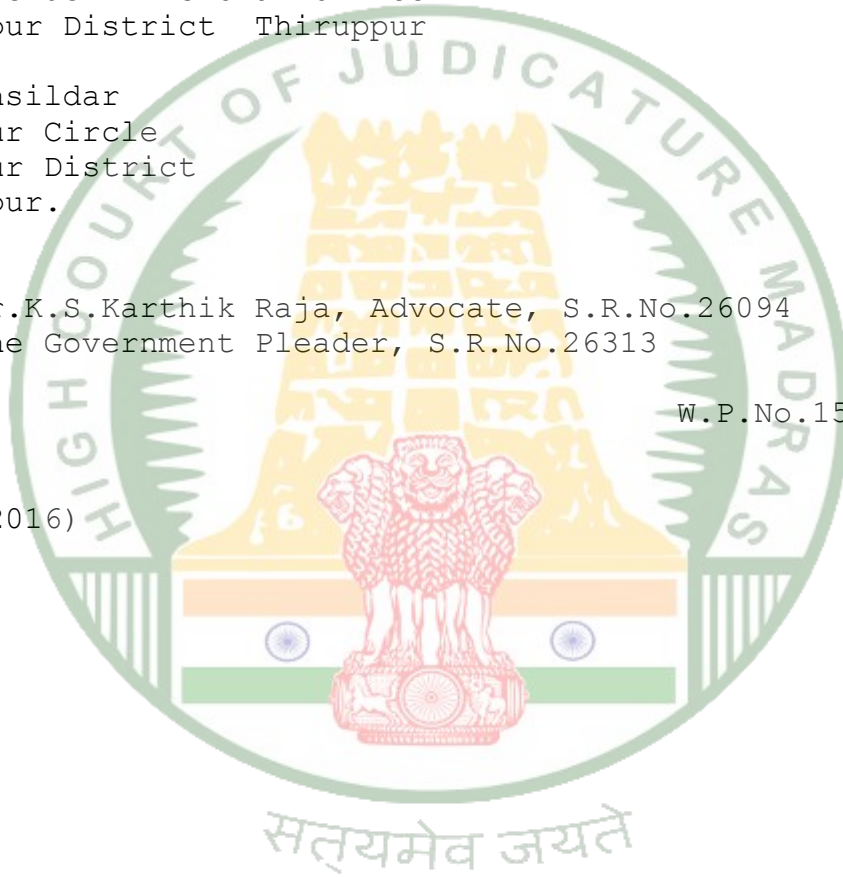
To

1. The District Collector
Thiruppur District Thiruppur
2. The District Revenue Officer
Thiruppur District Thiruppur
3. The Revenue Divisional Officer
Thiruppur District Thiruppur
4. The Tahsildar
Thirupur Circle
Thirupur District
Thiruppur.

+1cc to Mr.K.S.Karthik Raja, Advocate, S.R.No.26094
+1cc to the Government Pleader, S.R.No.26313

W.P.No.15608 of 2016

SV(CO)
CA(25/05/2016)



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