

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.11.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WP.No.39641/2016

Amala .. Petitioner

Versus

1.The District Collector
Villupuram.

2.The Tahsildar
Tindivanam. .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st and 2nd respondents to issue patta in favour of petitioner in respect of property in S.Nos.95/13-0.05 3/8 cents totalling 2,344 sq.ft [218 sq.mtrs] situate at Pombur Village, Vanur Taluk.

For Petitioner : Mr.N.Suresh
For RR 1 & 2 : Mr.R.S.Selvam, GA

ORDER

Heard the learned counsel for the petitioner ; and Mr.R.S.Selvam, learned Government Advocate who accepts notice on behalf of the respondents and with the consent on either side, the writ petition is taken up for final disposal.

2 The case of the petitioner is that originally the property belonged to her father-in-law Ramasamy and his sons, including Mr.Samipillai, the husband of the petitioner herein. Thereafter, subsequent to a partition that took place in the year 1987, vide document No.187/1987, the property measuring to an extent of 2344 sq.ft, comprised in S.No.95/13, situate at Pombur village, Vanur Taluk, Villupuram District, was allotted to the husband of the petitioner and the title to the said property was also confirmed by the Civil Court in OS.No.133/2004 dated 10.09.2004 on the file of the District Munsif Court, Vanur. Subsequently, the husband of the petitioner executed a Settlement Deed in favour of the petitioner on 16.05.2011 and since the date of execution, the petitioner is in absolute possession and enjoyment of the said property. She also applied for issuance of patta in her favour on 13.06.2014 to the 2nd respondent and since she has not been favoured with any kind of response, she is before this Court, by filing the present writ petition.

3 It is seen from the typed set of papers that a suit in OS.No.133/2004 praying for declaration and for permanent injunction, has been filed by the said Samipillai, husband of the petitioner along with two

others, viz., one Sundaramoorthy and one Gnanasoundari, W/o.Loganathan, on the file of the District Munsif Court, Vanur, against one Jeevanandam and one Saravanan, S/o.Sundaramoorthy and the said suit came to be decreed in faovur of the husband of the petitioner and the said Sundaramoorthy and Gnanasoundari, wife of Loganathan. Now, the petitioner, wife of Samipillai, seeks for a mandamus to issue a patta in her favour, though the said suit was decreed in favour of the two other persons, viz., Sundaramoorthy, Gnanasoundari. However, they were not made as parties to this writ petition.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the 2nd respondent to consider the petitioner's representation dated 13.06.2014 on merits and in accordance with law after issuing notice to the said Sundaramoorthy and Gnanasoundari and pass orders as expeditiously as possible and communicate the decision taken, to the petitioner as well as to the said persons.

B.RAJENDRAN, J.,

AP

5 The writ petition stands disposed of with the above direction. No costs.

14.11.2016

AP

To

1.The District Collector
Villupuram.

2.The Tahsildar
Tindivanam.

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