

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.6959 of 2016

Parvatham @ Parvathi

... Petitioner

Vs.

The District Collector
Collectorate,
Salem District.

2.The Revenue Divisional Officer,
Attur Taluk,
Salem District.

3.The Tahsildar
Attur Taluk
Salem District.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the third respondent herein to consider the petitioner's representation dated 04.01.2016 and reminder representation dated 22.01.2016 and 15.02.2016 and issue the separate patta bearing S.No.563/3, 563/1, 563/4 situated in Paithur Village, Attur Taluk, Salem District in favour of the petitioner.

For Petitioner : Mr.A.Rajkumar
For respondents : Mr.P.Karthikeyan,
Government Advocate

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come forward with the present Writ Petition seeking for issuance of Mandamus to direct the third respondent herein to consider the petitioner's representation dated 04.01.2016 and reminder representation dated 22.01.2016 and 15.02.2016 and issue separate patta bearing S.No.563/3, 563/1, 563/4 situated in Paithur Village, Attur Taluk, Salem District in favour of the petitioner.

3.The petitioner submits the property bearing S.No.563/3, 563/1, 563/4 situated in Paithur Village, Attur Taluk, Salem District belongs to the petitioner father through D-Gard. The petitioner's father was in possession and enjoyment of the said land till his life time and died on 30.12.1979. After her father's death, the petitioner filed a suit for partition for her 1/4th share against her mother and sisters in OS.No.66 of 1987 and the same was decreed in favour of the petitioner. The petitioner's mother preferred an appeal in AS.No.131 of 1998 and the same was dismissed, thereafter, the petitioner was in possession and enjoyment of the property as per court decree.

4.The petitioner submits that she did not obtain any separate patta in her name and she approached the respondents 1 to 3 for issuance of separate patta. Thereafter, she submits her representation dated 04.01.2016 to the respondents 1 to 3. Having found no response on the side of the respondents, the petitioner sent his reminder representation dated 22.01.2016 and again on 15.02.2016. But till date, the respondents has not taken any action on the petitioner's representations, hence, she filed the present writ petition.

5.Heard the submissions of learned counsel appearing for the petitioner and the learned Government Advocate who accepts notice on behalf of the respondents.

6.Considering the facts and circumstances, this Court, without going into the merits of the same, directs the third respondent to consider the petitioner's representation dated 04.01.2016 and reminder/representations dated 22.01.2016 and 15.02.2016 on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording opportunity of personal hearing to the petitioner as well as to the other legal heirs of the petitioner's father. It is made clear that this Court has not expressed any opinion on merits of the claim of the petitioner. This Court directs the petitioner to furnish the particulars of the other legal heirs of her father, to enable the respondents to issue notice to them.

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

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

The District Collector
Collectorate,
Salem District.

2.The Revenue Divisional Officer,
Attur Taluk,
Salem District.

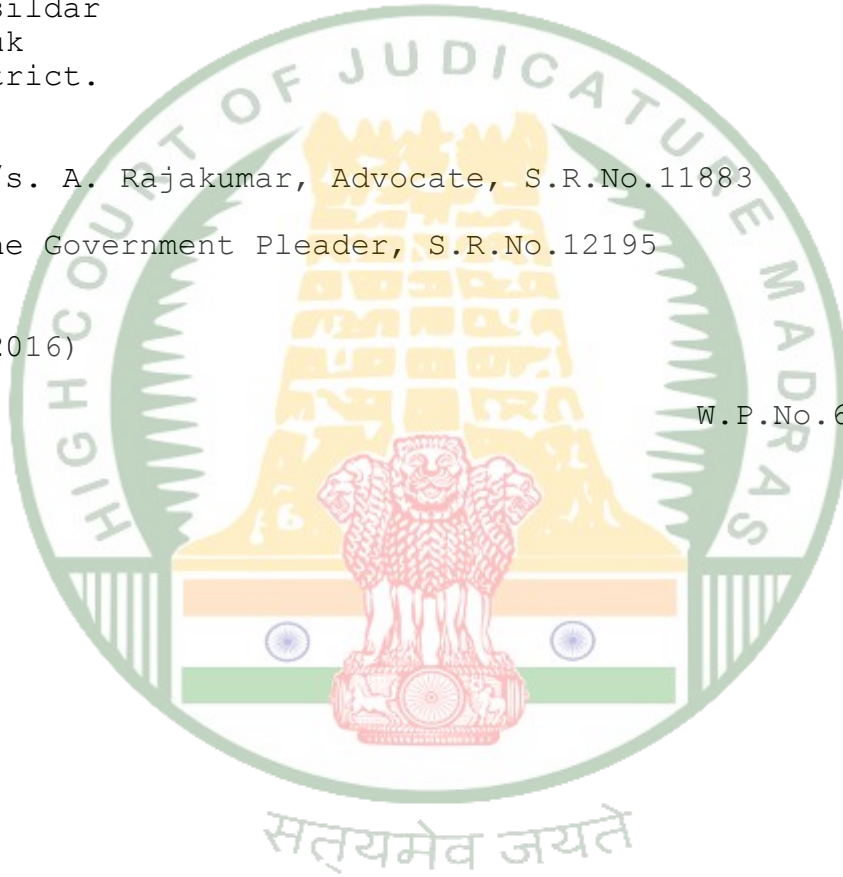
3.The Tahsildar
Attur Taluk
Salem District.

+1cc to M/s. A. Rajakumar, Advocate, S.R.No.11883

+1cc to the Government Pleader, S.R.No.12195

RSK(CO)
EU(11/03/2016)

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