

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.8729 and 8730 of 2016

Saroja @ Chandrabanu

.. Petitioner in both
the Writ Petitions

Vs.

The Tahsildhar,
O/o The Tahsildhar,
Pollachi,
Coimbatore District.

.. Respondent in both the
Writ Petitions

Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of Writs of Mandamus to direct the respondent to issue patta by considering the petitioner's representation, dated 09.02.2016.

For Petitioner

in both Writ Petitions : Mr.R.Shanmugam

For Respondent

in both Writ Petitions : Mr.S.V.Durai Solaimalai,
Addl.G.P.

ORDER

The petitioner has filed these Writ Petitions praying for issuance of Writs of Mandamus to direct the respondent to issue patta by considering the petitioner's representation, dated 09.02.2016.

2. It is the case of the petitioner that she is the younger daughter of late Mr.M.V.Chellamuthu Gounder and Mrs.Vallinayagam and having two elder sisters, namely Mrs.Jayalakshmi and Mrs.Rajeswari. The petitioner's father secondly married Mrs.Manounamani and no child was born out of their wedlock. It is further stated by the petitioner that her grandfather possessed many acres of land in and around Kottur Malayandipattinam Village and the petitioner's father settled properties in Survey No.1490, Patta No.59, measuring 61.96 acres (in W.P.No.8729 of 2016) and Survey No.1497, Patta No.400, measuring 32.15 acres, to his second wife Mrs.Manounmani, by settlement deed, dated 13.12.1953 in Document No.4013/1953. The

petitioner's father died on 05.12.1967 and Mrs.Manounmani died intestate on 15.09.1996. It is the further case of the petitioner that her mother Mrs.Vallinayagam, the petitioner's two sisters, namely Mrs.Jayalakshmi and Mrs.Rajeswari and the petitioner, are the only legal heirs of the deceased Mrs.Manounmani and they have inherited the immovable properties and wanted to transfer the immovable properties in their names. Hence, they have approached the respondent to transfer the properties in their names, but the same was denied and they were directed to seek remedy through Court. Therefore, the petitioner, along with other legal heirs, filed a suit for declaration in O.S.No.360 of 2012 before the District Munsif Court, Pollachi, to declare that they are the legal heirs of the deceased Mrs.Manounmani, wife of M.V.Chellamuthu Gounder, and on 08.06.2013, the said suit was decreed in their favour. After the said decree, the petitioner applied to the respondent on 09.02.2016 for transfer of patta in favour of the petitioner's mother Mrs.Vallinayagam, the petitioner's two sisters, namely Mrs.Jayalakshmi and Mrs.Rajeswari and the petitioner. The petitioner has also made a representation, dated 09.02.2016 to the respondent to issue patta in their favour, by transferring the names in respect of the above said properties. As no action was taken on the said representation in respect of both the properties, the petitioner has filed these two Writ Petitions for the above relief.

3. Heard both sides.

4. Taking into consideration the facts and circumstances of the case, without going into the merits of the case, this Court directs the respondent to consider the said representation, dated 09.02.2016 of the petitioner in respect of the properties in both the Writ Petitions and after conducting enquiry and giving an opportunity of personal hearing to the petitioner and necessary parties, pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above observations and directions, the Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

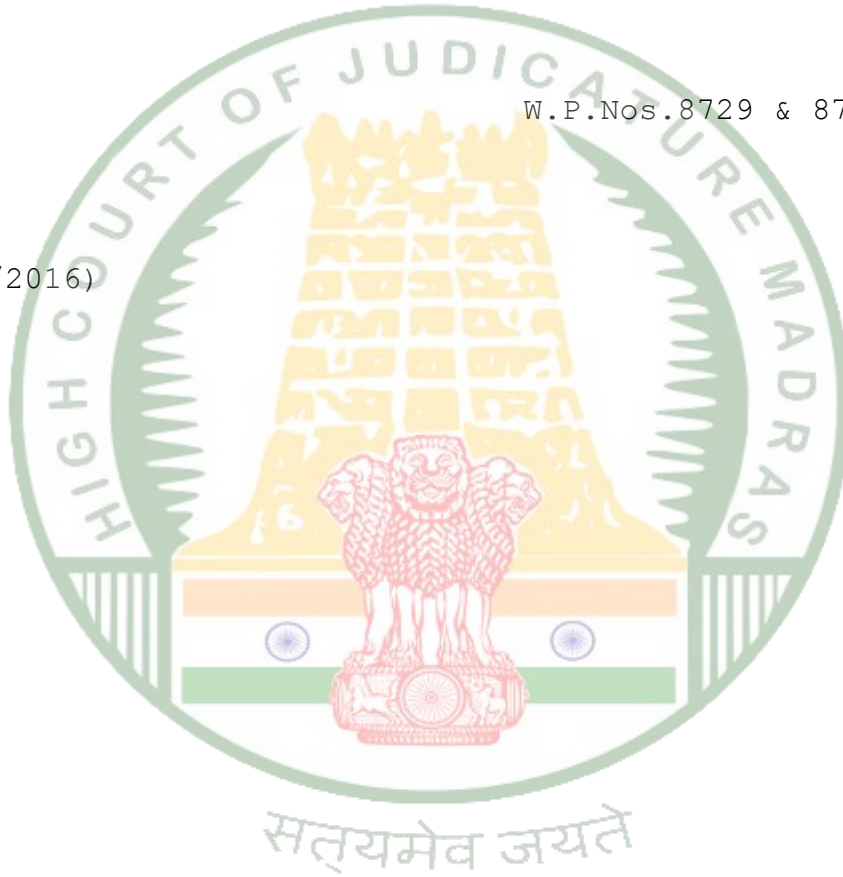
Copy to

The Tahsildhar,
O/o The Tahsildhar,
Pollachi, Coimbatore District.

+1cc to the Government Pleader, S.R.No.15344
+2cc to Mr.S.Saravanan, Advocate Sr.15212

W.P.Nos.8729 & 8730 of 2016

rsy(CO)
srg(21/03/2016)



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