



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 14.07.2016

CORAM

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.12296 of 2016

S.Mallika

..Petitioner

Vs

1.The District Collector,
Sivagangai District.

2.The Revenue Divisional officer,
Devakkottai,
Sivagangai District.

3.The Tahsildar,
Karaikudi,
Sivagangai District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the third respondent to consider the Petitioner's representation dated 17.6.2016 for issuance of patta in her favour.

For Petitioner :M/s.S.M.Sanjay

For Respondents :Mr.J.Gunaseelan Muthiah
Govt.Advocate

ORDER

Heard both sides.

2.By consent of both sides, the main Writ Petition itself is taken up for final disposal.

3.No counter is filed on behalf of the Respondents.

4.According to the Petitioner, she is a poor and helpless lady. She is residing in the address at 386, Kurunthanpallam, Kalathur Panchayat, Karaikudi Taluk, Sivagangai District. She is a widow and her husband expired on 17.6.2002, leaving behind her two daughters as his legal heirs. Her first daughter is not yet married because of her disabilities and another daughter also is not yet married.



5.The grievance of the Petitioner is that on 17.6.2016 she addressed a representation to all the Respondents. Even though the Respondents had received the same, they have not taken any action for the past 20 days. Hence she has filed the present Writ Petition for the relief stated supra.

6.At this stage, it is represented on behalf of the respondents 1 to 3 that the Petitioner's request for issuance of patta cannot be acceded to by the Revenue Authorities because of the simple reason that the Petitioner is residing at Kanmai Poramboke. But, on behalf of the Respondents 1 to 3, no document is produced to show that the Petitioner is residing at Kanmai Poramboke.

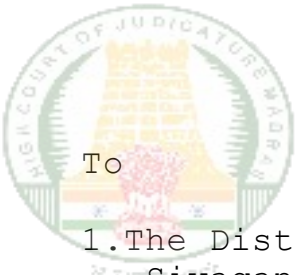
7.Considering the fact that the Petitioner's limited prayed in the Writ Petition is only for passing of an order by this Court in directing the Third Respondent consider her representation, dated 17.6.2016, at this stage, this Court without going into the merits and contents of the representation of the Petitioner, dated 17.6.2016 and also this Court bearing in mind yet another primordial fact that the Petitioner is said to be residing at Kanmai Poramboke and therefore, she is not entitled to seek for issuance of patta as sought for herein, at this stage, simply directs the Third Respondent to look into the representation of the Petitioner, dated 17.6.2016 and dispose of the same on merits(of course after providing necessary opportunity to the Petitioner and others concerned, if any by adhering to the principles of natural justice in true letter and spirit)within a period of four weeks from the date of receipt of a copy of this order. It is open to the Petitioner to produce copies of all necessary/relevant documents before the Third Respondent/The Tahsildar, Karaikudi, Sivagangai District and the Third Respondent shall take into consideration of the same at the time of disposal of the representation of the Petitioner, dated 17.6.2016. Further, it is also open to the Revenue Authorities to produce the copies of the relevant records/certified copies of documents before the Third Respondent to show that the Petitioner is residing in Kanmai Poramboke and therefore, she is not entitled to seek the relief of issuance of patta, as sought for herein.

8.With the aforesaid observations and directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Writs)

/True copy/



To

1.The District Collector,
Sivagangai District.

2.The Revenue Divisional officer,
Devakkottai,
Sivagangai District.

3.The Tahsildar,
Karaikudi,
Sivagangai District.

+1cc to Mr.S.M.Sanjay, Advocate sR.No.36612

+1cc to special Government Pleader SR.No.36490

vsn

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W.P (MD) No.12296 of 2016
14.07.2016