



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:15.07.2016

CORAM

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.12443 of 2016

K.R.Ramammal

... Petitioner

Vs.

1.The Tahsildar,
Rajapalayam Taluk Office,
Rajapalayam Town,
Virudhunagar District.

2.The Commissioner,
Rajapalayam Municipality,
Rajapalayam Town,
Virudhunagar District.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the Respondents herein to make necessary entries in the revenue records and in town survey register by entering the petitioner name in the A-Register and 10(1) Adangal for the property comprised in S.No. 513/3B, 514/2A in Pudupalayam Village of Rajapalayam Town and to issue A-Register and 10(1) Adangal Extract to the petitioner herein within a stipulated period.

For Petitioner
For Respondent

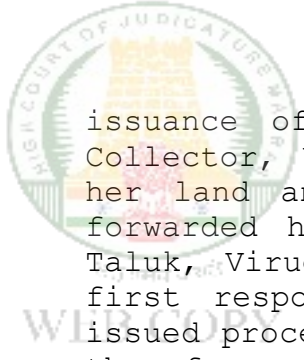
:Mr.M.Thirunavukkarasu
:Mr.S.Kumar
Additional Govt. Pleader for R-1
Mr.N.Dilip Kumar for R-2

O R D E R

Heard both sides.

2. According to the petitioner, the property comprised in Sy.No.513/3 and 514/2A of Pudupalayam Village, Rajapalayam Taluk, Virudhunagar District, belonged to her husband Ramakrishnama Raja and in fact, her husband got the said property by means of family partition. During his life time, he was in exclusive possession and enjoyment over the same. Because of his old age and with a view to give some property to her, for her livelihood, her husband executed a registered Will in her favour on 04.06.2004 bequeathing the aforesaid properties. After execution of the said Will, her husband expired on 08.06.2004. As a matter of fact, the Will dated 04.06.2004 of her husband, after his demise, has come into force and as such, she is the absolute owner of the aforesaid properties.

3. It appears that the petitioner based on the Will (executed by her husband), in the year 2010, applied before the first respondent/Tahsildar, Rajapalayam Taluk, Virudhunagar District, seeking

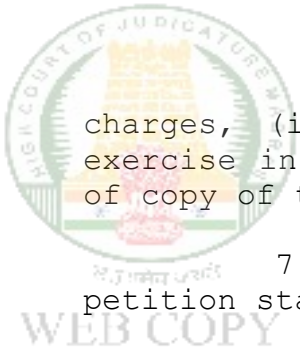


issuance of patta and also submitted a petition before the District Collector, Virudhunagar District on 10.08.2010 with a request to survey her land and issue patta in her favour. The District Collector had forwarded her petition to the first respondent/ Tahsildar, Rajapalayam Taluk, Virudhunagar District for taking necessary action. In fact, the first respondent/ Tahsildar, Rajapalayam Taluk, Virudhunagar District, issued proceedings dated 15.12.2010 by stating that since some portion of the aforesaid property stand erroneously included in the Town Survey, but a small portion of land stood in the village records of Pudhupalayam Village. Therefore, the first respondent had informed the petitioner that after rectifying the said mistake, her application for issuance of patta would be considered. Later, she visited the Office of the first respondent/ Tahsildar, Rajapalayam Taluk, Virudhunagar District praying for conduct of survey of her land and issuance of patta on several occasions. In reality, she was made to run from pillar to post on her old age by the first respondent without surveying her property for the purpose of issuance of patta. Hence, on an earlier occasion, she filed W.P.(MD).No.15427 of 2014 before this Court seeking a direction to the respondents therein to survey her property and issuance of patta and this Court, on 17.09.2014 issued necessary direction to the first respondent/ Tahsildar, Rajapalayam Taluk, Virudhunagar District, for considering her representation for issuance of patta within a period of 8 weeks from the date of receipt of that order.

4. It comes to be known that the petitioner filed a Contempt Petition (MD).No.1292 of 2015 before this Court for violation of the order passed in W.P.(MD).No.15427 of 2014 dated 17.09.2014. In fact, the contempt petition was closed on 05.12.2016, because of the reason that as per proceedings of the District Revenue Officer, Virudhunagar, dated 02.12.2015, a direction was issued to the first respondent/ Tahsildar, Rajapalayam Taluk, Virudhunagar District to measure the property and to issue separate patta in favour of the petitioner. Thereafter, the first respondent, on 26.01.2016 issued patta to the petitioner (of-course, after measuring the property in question).

5. At this stage, the Learned Counsel for the Petitioner brings it to the notice of this Court that the petitioner has preferred the present writ petition praying for passing of an order by this Court in directing the respondents 1 & 2 to make necessary entries in the revenue records and in the town survey register by entering the petitioner's name in A-Register and issue 10(1) adangal extract for the property comprised in Sy.Nos.513/3B and 514/2A of Pudupalayam Village of Rajapalayam Town and issue A-Register and 10(1) adangal to her.

6. Considering the relief sought for by the petitioner in the present writ petition, as stated supra and also this Court, taking note of the fact that the petitioner's detailed representation, dated 23.06.2016 is pending before the 1st respondent, in the interest of Justice and Fair Play, directs the respondents to look into the case of the petitioner and to pass necessary orders in regard to the making of necessary entries in the revenue records and in town survey register, by considering the name of the petitioner to be entered in A-Register and 10(1) adangal for the property in Sy.Nos.513/3B and 514/2A of Pudupalayam Village of Rajapalayam Town and to issue the certified copies of A-Register and 10(1) adangal extract in her favour, on payment of necessary



charges, (if not already paid). The respondents are to complete the exercise in question within a period of 4 weeks from the date of receipt of copy of this order.

7. With the aforesaid observation(s) and direction(s), the writ petition stands disposed of. No costs.

Sd/
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar.

To

1. The Tahsildar,
Rajapalayam Taluk Office,
Rajapalayam Town,
Virudhunagar District.

2. The Commissioner,
Rajapalayam Municipality,
Rajapalayam Town,
Virudhunagar District.

+1CC to M/S.M.Thirunavukkarasu, Advocate, SR.No. 36974

+1CC to M/S.N.Dilip Kumar, Advocate, SR.No. 37030

+1CC to the Special Government Pleader, SR.No. 37264

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VS

AM/GSV.PM/SAR-II/25.07.2016/3P/6C