

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2017

CORAM :

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

W.P. No.11436 of 2017

Jeyamma

... Petitioner

Vs.

The Tahsildar,
Taluk Office,
Soolagiri
Krishnagiri District.

...Respondent

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the respondent to consider the petitioner's representation dated 21.02.2017 for issue of patta in respect of lands measuring to an extent of 1.17 acres in Survey No. 460 and 1.14 acres in Survey No. 469/2 of Thuppukanapalli Village, Soolagiri Taluk, Krishnagiri District within the time to be stipulated by this Hon'ble Court.

For Petitioner : Mr. R. Bharath Kumar

For Respondents: Mr. S.V. Doraisolaimalai , AGP

O R D E R

The petitioner has filed the above writ petition to issue a writ of mandamus directing the respondent to consider the petitioner's representation dated 21.02.2017 for issuance of patta in respect of land measuring an extent of 1.17 acres in Survey No. 460 and 1.14 acres in Survey No. 469/2 of Thuppukanapalli Village, Soolagiri Taluk, Krishnagiri District.

2. It is the case of the petitioner that one Muniamma had executed a registered Will dated 25.07.1990 in her favour bequeathing her properties. The said Muniamma had died on 13.03.2008. The said Muniamma had died on 13.03.2008. Pursuant to the Will dated 25.07.1990, the Petitioner gave a representation to the respondent for issuance of patta in respect of Survey No. 469/2. According to the the petitioner,

by virtue of the Will dated 25.07.1990, she alone is entitled to the said property.

3. Mr. S.V. Doraisolaimali, learned Additional Government Pleader appearing for the respondent submitted that since the petitioner had not obtained any decree from the Civil Court, the respondent has not issued the patta so far. Since the petitioner has stated that she alone is entitled to the property by virtue of Will dated 25.07.1990, I am of the view that the respondent can consider the petitioner's representation for issuance of patta. However, in case of any interested party/parties challenging the title of the petitioner, the said party/parties can file appropriate application for cancellation of patta to be issued in favour of the petitioner.

4. In these circumstances, I direct the respondent to consider the petitioner's representation dated 21.02.2017 and pass orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. However, I make it clear that in the event of any interested party/parties questions the petitioner's title, he/she shall file appropriate application for cancellation of the patta.

5. With these observations, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

RJ/ak
To

The Tahsildar,
Taluk Office,
Soolagiri
Krishnagiri District.

+1cc to M/S.R.Bharathkumar, Advocate Sr.39605
+1cc to the Government Pleader Sr.39406

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nr[co]
srg 09/06/2017