

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.32071 of 2017
and W.M.P.No.35212 of 2017

Rukmani

.. Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Palayapalayam,
Erode District,
Erode - 638 011

2. The Tashildar,
Sathyamangalam Taluk,
Erode District,
Erode.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 2nd respondent to issue patta and to effect mutation of all revenue records e.,, Patta, Chitta and Adangal in respect of the Agricultural land in Survey No.105/2, Karithottampalayam Village, Sathiyamangalam Taluk, Registration District of Gobichettipalayam, measuring an extent of 5 acres 43 cents in the name of the petitioner T.Rukmani within a stipulated time fixed by this Court.

For Petitioner: Mr.Ralph V.Manohar

For Respondents: Mr.K.J.Sivakumar,
Government Advocate.

O R D E R

Mr.K.J.Sivakumar, learned Government Advocate, takes notice for the respondents. By consent of the parties, the main writ petition itself is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a Mandamus to direct the 2nd respondent to issue patta and to effect mutation of all revenue

records i.e., Patta, Chitta and Adangal in respect of the Agricultural land in Survey No.105/2, Karithottampalayam Village, Sathiyamangalam Taluk, Registration District of Gobichettipalayam, measuring an extent of 5 acres 43 cents in the name of the petitioner within a stipulated time fixed by this Court.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

4. It is stated that the petitioner's husband, by name Thinnagounder was holding the subject matter land and was also issued with patta by the Revenue Department. It is further stated that he died on 30.04.2005 leaving behind the petitioner and two of his sons namely, Raviraj, Gunasekaran and one daughter, namely, Annapoorani, as his legal heirs. The legal heirship certificate issued to that effect dated 20.05.2005 by the Tahsildar Sathiyamangalam also indicates that the above four persons including the petitioner are the legal heirs of the deceased Thinnagounder. Now, the petitioner has approached the respondents and seeks for transfer of patta in the name of the petitioner, Gunasekaran and Annapoorani as the another son by name, Raviraj died on 20.06.2011. She has also sent a representation dated 31.10.2017 in this regard. As her representation has not been considered, the present writ petition is filed before this Court with the relief as stated supra.

5. This Court, at this stage, is not expressing any view on the claim made by the petitioner, as it is for the 2nd respondent to consider and decide the same. Thus, this writ petition is disposed of, only with a direction to the 2nd respondent to consider the representation of the petitioner dated 31.10.2017 and pass orders on the same on merits and in accordance with law, after hearing the rival claimants, if any. Such exercise shall be done by the 2nd respondent within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

Vsi

To

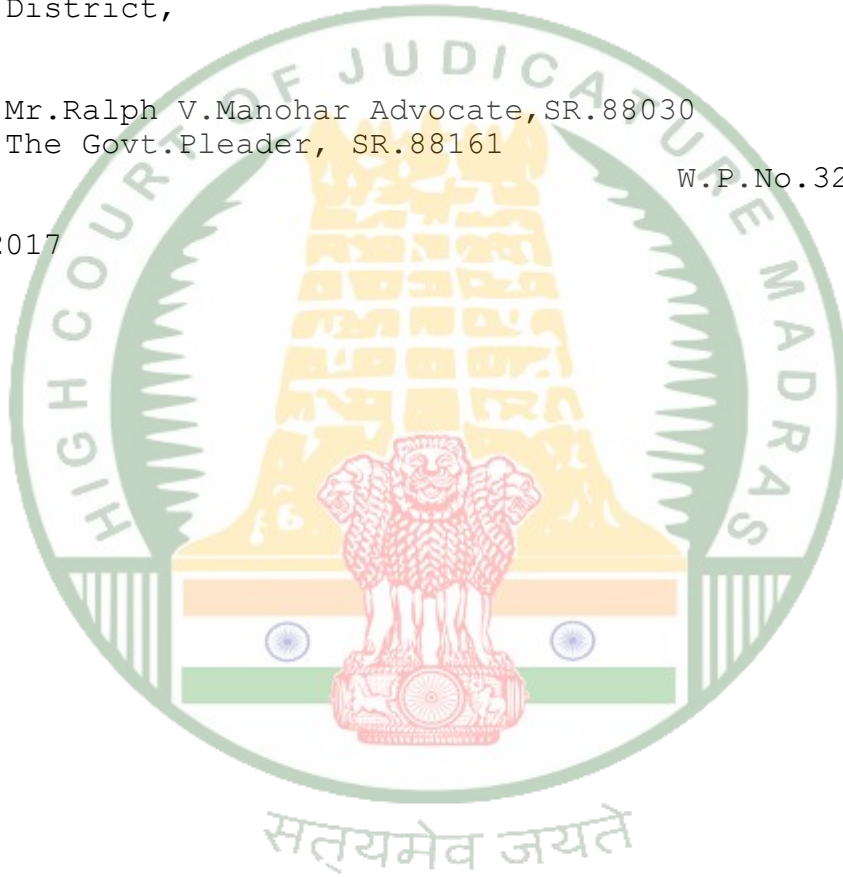
1. The District Collector,
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Erode - 638 011

2. The Tashildar,
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Erode District,
Erode.

+ 2 cc to Mr.Ralph V.Manohar Advocate, SR.88030
+ 1 cc to The Govt.Pleader, SR.88161

W.P.No.32071 of 2017

nr 22/12/2017



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