



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

WEB COPY

W.P(MD) No.12126 of 2017

Shanmuga Raj

... Petitioner

-vs-

1. The Revenue Divisional Officer,
Thoothukudi,
Thoothukudi District.

2. The Tahsildar,
Ottapidaram Taluk,
Ottapidaram,
Thoothukudi District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the second respondent to give patta to the petitioner and his father with regard to the property in Survey Nos.39/2 and 40/5 situated at Govindapuram Village, Ottapitaram Taluk and Thoothukudi District.

For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.M.Alaga Thevan,
Special Government Pleader.

ORDER

This Writ Petition is filed for issuance of Writ of Mandamus, directing the second respondent to give patta to the petitioner and his father with regard to the property in Survey Nos.39/2 and 40/5 of Govindapuram Village in Ottapitaram Taluk, Thoothukudi District.

2.The case of the petitioner is that the property in Survey No.39/2 was originally belonged to one Ramasamy Naidu and the petitioner's grandfather purchased the same by a registered sale deed, dated 27.07.1960. He was in possession and enjoyment of the same till his demise. Subsequently, the petitioner's father and the petitioner are in possession and enjoyment of the same. He would further state that the patta originally stood in the name of his grandfather and subsequently, it was changed into one Sudalaimani, who is no way connected with the said property.



3.The petitioner would state that the petitioner's mother purchased 1 acre and 84 cents in Survey No.40/5 on 21.05.1966 and she had been in possession and enjoyment of the same till her life time. After her demise, the petitioner is in possession of the same and for the said property also patta was transferred in the name of Sudalaimani. Hence, the petitioner made a representation on 11.04.2017 to the second respondent to change patta. Since no action was taken, the present Writ Petition has been filed by the petitioner.

4.Heard Mr.G.Gomathi Sankar, learned counsel appearing for the petitioner and Mr.M.Alaga Thevan, learned Special Government Pleader, who takes notice for the respondents.

5.Considering the limited prayer sought for in the Writ Petition, this Court, without going into the merits of the case, directs the second respondent to consider the representation of the petitioner dated 11.04.2017 and pass orders, after providing opportunity to all the necessary parties, on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

6.With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(Crl Side)

/True copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Thoothukudi,
Thoothukudi District.

2. The Tahsildar,
Ottapidaram Taluk,
Ottapidaram,
Thoothukudi District.

+1 cc to Mr.G.Gomathi Sankar , Advocate in SR.No. 62924

+1 cc to Special Government Pleader in SR.No.63079

Ps

AE/SV/SAR3/14.07.2017/3P/5C