



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) No.12572 of 2017

WEB COPY

Tamilselvi

...Petitioner

Vs.

1.The District Collector,
Theni District.

2.The Tahsildar,
Theni Taluk,
Theni.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 10.06.2017 in which the petitioner sought for name transfer of patta in Survey No.302/5, Survey No.303/1, Survey No.290/1 Survey No.291/1 and Survey No.290/2 in Koduvilarpatti Village, Theni Taluk, Theni District.

For Petitioner : Mrs. Lakshmi Gopinathan
for M/s.Polax Legal Solutions

For Respondents :Mr.G.Muthu Kannan
Government Advocate

O R D E R

This writ petition is filed seeking for the issuance of a Writ of Mandamus directing the second respondent to consider the petitioner's representation, dated 10.06.2017, in which, she sought for transfer of patta in Survey No.302/5, Survey No.303/1, Survey No.290/1 Survey No.291/1 and Survey No.290/2 in in Koduvilarpatti Village, Theni Taluk, Theni District.

2.Mr.G.Muthukannan, learned Government Advocate takes notice for the respondents. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the petitioner is that originally the properties in Survey No.302/5 to an extent of 0.55.0 ares, Survey No.303/1 to an extent of 0.74.5 ares, Survey No.290/1 to an extent of 2 acre 21 cents, Survey No.291/1 to an extent of 1 acre 56 cents and Survey No.290/2 to an extent of 0.20.0 cents in Koduvilarpatti



Village, Theni Taluk and District belonged to his father (late) Koduvaliperumal and his brother (late) Thasariappi Naicker.

4. It is the further case of the petitioner that his paternal uncle Thasariappai Naicker died on 03.09.2010 as a bachelor and his father passed away on 16.06.1981 leaving behind the petitioner and her mother, namely, Puthiammal and elder sister, namely, Tamilmani as his legal heirs. The second respondent has also issued a legal heirs certificate, dated 27.08.2002. Citing the above facts, the petitioner made a representation to the respondents on 10.06.2017, seeking transfer of patta in her favour and other legal heirs, namely, the petitioner's mother and sister. Since no action has been taken, the present writ petition has been filed.

5. Considering the limited scope of the prayer sought for in this writ petition, this Court, without going into the merits of the claim made by the petitioner in this Writ Petition, directs the second respondent to consider the representation of the petitioner, dated 10.06.2017, and pass appropriate orders on merits and in accordance with law, after giving notice to the interested parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Theni District.

2. The Tahsildar,
Theni Taluk,
Theni.

+1cc to M/s. Polax Legal Solutions, Advocate, SR.64294

+1cc to M/s. Special Government Pleader, SR.64575

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VSG