



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.13575 of 2017

R.David

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Kanyakumari.
2. The Revenue Divisional Officer,
Padmapuram,
Thuckalay Post,
Kanyakumari District.
3. The Tahsildar,
Kalkulam,
Thuckalay Post,
Kanyakumari District.
4. The Village Administrative Officer,
Kariavilai,
Manthaikadu Post,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 3rd respondent to change the patta in the name of the petitioner for the property in S.F.No.736/1 with an extent of 4 ½ cents alone which was executed by a sale deed dated 19.02.1998 in the name of the petitioner's mother.

For Petitioner	: Ms.C.R.Ponnuthai
For Respondents	: Mr.A.Muthukaruppan, Government Advocate.

O R D E R

This writ petition has been filed, seeking a Writ of Mandamus to direct the 3rd respondent to change the patta in the name of the petitioner for the property in S.F.No.736/1 to an extent of 4 ½ cents alone, which was executed by a sale deed, dated 19.02.1998 in the name of the petitioner's mother.



2. Mr.A.Muthukaruppan, 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 grievance of the petitioner is that his mother, namely, Mariathangam purchased the property in S.F.No. 736/1 measuring to an extent of 4 ½ cents of house site by a registered sale deed, dated 19.02.1998 and subsequently, they were enjoying the property by constructing a house and after the death of his mother, the petitioner approached the respondents for change of patta. But the respondents have not taken any action. Therefore, the petitioner made a representation dated 22.05.2017 to the respondents seeking to change the patta in his name as he is the only sole legal heir of his mother and the same has not been considered so far. Hence, he is before this Court.

4. Heard the learned Counsel for the petitioner as well as the learned Government advocate appearing for the respondents, who would submit that if a reasonable time is granted to the respondents, appropriate orders will be passed on the representation of the petitioner.

5. In view of the above submission and also considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim, directs the 3rd respondent to consider the representation of the petitioner dated 22.05.2017 and pass appropriate orders on its own merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as all the interested parties, if any, within a period of six weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Kanyakumari District,
Kanyakumari.
2. The Revenue Divisional Officer,
Padmapuram,
Thuckalay Post,
Kanyakumari District.



3. The Tahsildar,
Kalkulam,
Thuckalay Post,
Kanyakumari District.

WEB COPY

4. The Village Administrative Officer,
Kariavilai,
Manthaikadu Post,
Kanyakumari District.

+ 1 CC TO Ms.C.R.PONNUTHAI, ADVOCATE IN SR No. 67073
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 67981

RM/SKN

TE/JC/SAR-IV : 01/08/2017 : 3P/7C

W.P (MD) No.13575 of 2017
24.07.2017