



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 16.03.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P (MD) No.4399 of 2017

D.Kalyani

..Petitioner

Vs

The Tahsildar,
Melur Taluk,
Madurai District.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to consider the Petitioner's representation dated 6.2.2017 within the time stipulated by this Court.

For Petitioner :M/s.K.Muthuvai Ilayaraja

For Respondent :Mr.A.Muthukaruppan
Addl.Govt.Pleader

ORDER

The Petitioner has approached this Court seeking issuance of a Writ of Mandamus directing the respondent to consider the Petitioner's representation dated 6.2.2017 within the time stipulated by this Court.

2.Mr.A.Muthukaruppan, learned Additional Government Pleader takes notice for the respondent.

3.By consent of both parties, the main Writ Petition is taken up for disposal, at the admission stage itself.

4.According to the Petitioner, her mother -in-law purchased a land in S.No.261/8 at Kotaampatti Village, Melur Taluk, Madurai District from one Chinnaiah Asari measuring an extent of 2 cents by way of registered sale deed, on 15.4.1954 and ever-since the date of purchase of the land, she is in peaceful possession and enjoyment of the said property and after demise of her mother in law, the Petitioner's husband has been maintaining the property by paying house-tax and his family is in enjoyment of the property thereafter. According to the Petitioner, his neighbour one Chellam attempted to disturb the possession and the peaceful enjoyment of the property by the Petitioner's family, which necessitated filing of a suit before the District Munsif Court, Melur in O.S.No.152 of



2002 praying for declaration and for permanent injunction. It appears that the said suit is decreed in favour of the plaintiffs therein on 8.8.2005 and the appeal preferred before the Second Additional Subordinate Judge, Madurai in A.S.No.219 of 2005 was dismissed on 20.11.2006.

WEB COPY

5. In the above circumstances, the Petitioner has been approaching the authorities concerned for issuance of patta to the land in their possession. In this connection, a written representation has been made on 6.2.2017, which according to the Petitioner has not been disposed of till date. Therefore the Petitioner has come forward with the present Writ Petition for issuance of a Writ Mandamus as stated supra.

6. The learned Additional Government Pleader appearing for the respondent has no objection to issue the direction as prayed for in the Writ Petition, within the time limit fixed by this Court.

7. Considering the limited scope of the prayer sought for by the Petitioner and without expressing any view on the merits of the claim made by the Petitioner and that the learned Additional Government Pleader appearing for the respondent has no objection to consider the representation of the Petitioner, the respondent is directed to consider the representation of the Petitioner, dated 6.2.2017 and pass orders on the same, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

The Tahsildar,
Melur Taluk,
Madurai District.

+1 CC TO S.AYYANAR PREM KUMAR, ADVOCATE, SR NO.15014

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.15538

vsn

MAS/SKN-RSK:27.03.2017:2P-4C

W.P (MD) No.4399 of 2017

16.03.2017



WEB COPY



WEB COPY