



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Writ Petition (MD) No.6597 of 2017

Radha

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2 .The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

... Respondents.

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent to grant patta in the name of the petitioner and her legal heirs by considering her representation dated 27.09.2016, within the time that may be stipulated by this Honourable Court.

For petitioner : Ms.T.K.Akalya

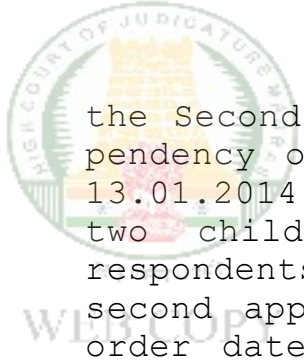
For Respondents : Mr.D.Muruganandham

Additional Government Pleader

O R D E R

The petitioner has approached this Court seeking a direction to the 2nd respondent to grant patta in the name of the petitioner and her legal heirs by considering her representation dated 27.09.2016, within a time frame.

2.According to the petitioner, her husband has purchased a property in survey No.255/1A2 in Vilathur Village, Paramakudi Taluk, Ramanathapuram District and patta was also issued in his name. Further, according to the petitioner, one Mr.Ganesan, the brother of her husband had filed a suit in O.S.No.112 of 2002, before the District Munsif Court, Paramakudi claiming right over the property in the said survey number along with two other properties and sought for partition on the basis of the joint Patta issued wrongly in his favour. It appears that the suit was dismissed by a decree of the District Munsif Court, Paramakudi on 29.01.2004 declaring that the property in question belongs to petitioner's husband. The appeal preferred by the said Ganesan in AS.No.44 of 2015 was also dismissed on 12.09.2006, against which



the Second Appeal in S.A.No.186 of 2007 was preferred. During the pendency of the Second appeal, the petitioner's husband died on 13.01.2014 and after demise of her husband the petitioner and her two children became the legal heirs and were arrayed as respondents in the Second Appeal. According to the petitioner the second appeal was also dismissed in her favour by this Court's order dated 08.08.2016. Thereafter, an application was made for grant of patta on the basis of the orders passed by this Court in the second appeal. But no action was taken by the respondents. In this connection, the petitioner has also said to have submitted a representation to the second respondent on 27.09.2016 for grant of patta in her name and in the names of her children jointly. In spite of repeated approach by the petitioner, no orders have been passed on the representation made by the petitioner. In the said circumstances, the petitioner is before this Court for issuance of a Writ of Mandamus.

3. Heard Ms.T.K.Akalya, the learned counsel appearing for the petitioner and Mr.D.Muruganantham, the learned Additional Government Pleader appearing for the respondents.

4. The learned Additional Government Pleader appearing for the respondents would submit that as per the provisions of the Patta Pass Book Act an enquiry has to be conducted before taking any decision for grant of patta.

5. The learned counsel for the petitioner would submit that the enquiry has already commenced and the same has not been concluded yet.

6. In the above said circumstances, this Court is of the considered view that a direction needs to be issued to the second respondent for conclusion of the enquiry and for taking a final decision regarding grant of Patta to the petitioner.

7. Therefore, a direction is issued to the second respondent to complete the enquiry and pass necessary orders on merits and in accordance with law on the request of the petitioner for grant of patta in favour of her and her children for the subject property. The said enquiry shall be completed within a period of 4 weeks from the date of receipt of copy of this order.

8. With the above directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar()

/True Copy/



To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

+1cc to Mr.V. GEORGE RAJA, Advocate, SR.No.53761

+1cc to Special Government Pleader, SR.No.53985

Writ Petition (MD) No.6597 of 2017
24.04.2017

SDS/RSK/SAR 3/10.05.2017/3P/5C