



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2017

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.6941 of 2017

WEB COPY

Muthulakshmi

... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Revenue Divisional Officer,
Madurai.

3.The Tahsildar,
Madurai South Taluk,
(New West Taluk),
Madurai.

4.Sri Meenakshi Sundarswar Devasthanam,
Madurai,
Through its Executive Officer,
South Adi Veethi,
Madurai.

... Respondents

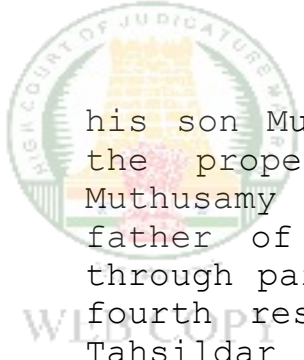
Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to issue patta to the petitioner in respect of the land bearing Survey No.72/2 measuring 62 cents situated at Kochadai, Madurai as per the order passed by the third respondent in his proceedings Nee.Mu.RTR.No.7510/2010, dated 13.07.2012 and the same was confirmed by the second respondent in his proceedings Na.Ka.No.315/2015/N, dated 29.09.2016.

For Petitioner	: Mr.PT.S.Narendra Vasan
For Respondents	: Mr.VR.Shanmuganathan, Special Government Pleader.

ORDER

This Writ Petition is filed seeking a Writ of Mandamus, directing the third respondent to issue patta to the petitioner in respect of the land bearing Survey No.72/2 measuring 62 cents situated at Kochadai, Madurai as per the order passed by the third respondent in his proceedings Nee.Mu.RTR.No.7510/2010, dated 13.07.2012 and the same was confirmed by the second respondent in his proceedings Na.Ka.No.315/2015/N, dated 29.09.2016.

<https://hcservices.ecourts.gov.in/responses> 2.The petitioner herein owned a land bearing Survey No.72/2 measuring 62 cents situated in Kochadai, Madurai. Originally, the property belonged to one Chockalinga Thevar and after his demise,



his son Muthu Thevar inherited the property and after his demise the property was partitioned between his two sons, namely Muthusamy Thevar and Periyannan Thevar. Periyannan Thevar is the father of the petitioner and he got the above said property through partition. The petitioner's father died on 22.08.1986. The fourth respondent made a claim petition before the Settlement Tahsildar Minor Inams Unit No.I against one Muthusamy Thevar and one Gurunatha Thevar in respect of the said land stating that the abovesaid properties were given as Inam for Abisekam in the Temple. But, Muthusamy Thevar and Gurunatha Thevar contested that the above said properties are purchased by Chockalinga Thevar and Kattamuthu Thevar and the petitioner's ancestors paid only Theervai and not any amount towards rent to Sivagangai Devasthanam and the Devasthanam also not claimed any right. After conducting detailed enquiry, the Settlement Tahsildar rejected the claim petition. Aggrieved by the said order, the fourth respondent preferred appeals in C.M.A.Nos.761 and 766 of 1969 and the same were also dismissed. Against the dismissal order, no appeal was preferred and the same has become final. Hence, the petitioner herein and her mother filed a petition to issue patta to them before the third respondent. After conducting enquiry and after affording opportunity to the fourth respondent, the third respondent passed an order, dated 13.07.2012 directed to issue patta in the name of the petitioner and her mother. Aggrieved by the order passed by the third respondent, the fourth respondent preferred an appeal and the same was dismissed. But till date, patta has not been issued to the petitioner. Hence, the petitioner has filed the present Writ Petition.

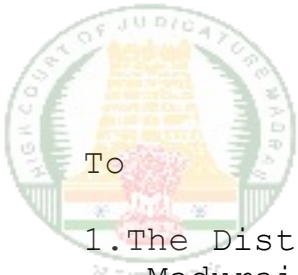
3.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4.Despite the order of this Court, dated 03.12.2013 in W.P.No.19593 of 2013 and the proceedings of the third respondent, the patta as prayed by the petitioner has not been granted. This sort of practice of the respondents cannot be countenanced.

5.In view of the same, this Writ Petition is disposed of and the third respondent is directed to pass appropriate orders in respect of the petitioner's claim for patta within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

/True Copy/



To

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Madurai.

3.The Tahsildar,
Madurai South Taluk,
(New West Taluk),
Madurai.

4.The Executive Officer,
Sri Meenakshi Sundarswar Devasthanam,
Madurai,
South Adi Veethi,
Madurai.

+1cc to M/S.PT.S.Narendra Vasan, Advocate SR.No. 80419

W.P (MD) No.6941 of 2017
21.09.2017

PS

JM/SV MMS/SAR 2/05.10.2017/3P/6C