



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2017

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THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P(MD) .No.14722 of 2013

and

M.P. (MD)No.1 of 2013

1.R.Mariamammal (died) ... Petitioner
2.Rekha Bhavani alias Fathima Ragila
(2nd petitioner impleaded
vide order dated 25.04.2017 in
W.M.P(MD)No. 2769 of 2017)

Vs.

1. The District Collector,
Collectorate,
Dindigul District
2. The District Revenue Officer,
O/o. District Revenue Officer,
Kodaikanal, Dindigul District.
3. The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Kodaikanal, Dindigul District.
4. The Tahsildar,
Kodaikanal Taluk, Dindigul District.

5.M.F.W.Jeayasingh

6.Kanagadass

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of writ of certiorarified mandamus, to call for the records pertaining to the impugned order in See.Ma.No. 11/2010/D1 dated 06/05/2013 on the file of the Respondent No. 2 and quash the same as illegal and consequently directing the Respondent No.2 to issue patta and effect changes in the Revenue Records and enter the petitioner name in Adangal with regard to the property in an extent of 1 acre in survey No. 1125/6 situated at Kurunji Andavar Koil road Vilpatti Panchayat, Kodaikanal Taluk, Dindigul District within a time stipulated by



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For Petitioner : Ms.Rekha Bhavani @
Fathima Ragila
Party in Person

For Respondents 1-4 : Mrs.S.Bharathi,
Government Advocate.

For Respondents 5 & 6 : Mr.R.Vijayakumar

ORDER

One Mariammal challenges the order of the District Collector, Dindigul, dated 06.05.2013, in and by which, her claim for assignment of the lands and to enter her name in the adangal was rejected by him.

2.It is seen that the said Mariammal had claimed that she was in occupation of 2.81.0 hectares in Survey No.1125/6 of Vilpatti village. She also claimed that since she has become old and she is not cultivating the said lands, she requested the District Collector to grant patta for the lands measuring one acre in the said survey number.

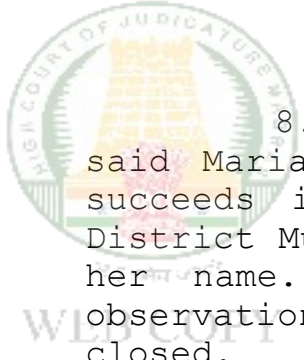
3.The District Collector has observed that on consideration of the petition filed by Mariammal (Petitioner in W.P.(MD)No.14722 of 2013) for grant of patta for the lands in S.No.1125/6 found that one Kanagadas is in possession of 1.20.0 hectares and one Muthumanickam is in possession of 1.20.0 hectares of land in survey No.1125/6 and granted patta in favour of them and he has also referred to G.O.Ms.No.1168, Revenue Department dated 25.08.1989 which bans assignment of lands in hill areas for rejecting the request of the said Mariammal.

4.On the death of said Mariammal in the year 2016, the petitioner namely, Rekha Bhavani has filed a petition W.M.P.(MD) No.2769 of 2017 seeking to implead herself as a second petitioner in the above writ petition as a legatee of the said Mariammal through a Will dated 19.02.2013.

5.The contesting private respondents have filed a counter affidavit disputing the said Will.

6.It is also seen from the records that civil proceedings have been initiated by the private respondents and they have obtained permanent injunction decree against the said Mariammal in O.S.No.207 of 2013 on the file of the District Munsif Court, Kodaikanal.

7.The proposed petitioner namely, Rekha Bhavani @ Fathima Ragila would submit that she has taken steps to set aside the ex-parte decree and the said proceedings are pending.



8. While disposing of W.P.(MD)No.5151 of 2013 filed by the said Mariammal, I have already observed that if the petitioner succeeds in the pending civil proceedings on the file of the District Munsif Court, Kodaikanal, she is entitled to get patta in her name. The writ petition is disposed of with the same observation. No costs. Consequently, M.P.(MD)No.1 of 2013 is closed.

Sd/-
Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Collectorate,
Dindigul District
2. The District Revenue Officer,
O/o. District Revenue Officer,
Kodaikanal, Dindigul District.
3. The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Kodaikanal, Dindigul District.
4. The Tahsildar,
Kodaikanal Taluk,
Dindigul District.

+1 cc to Ms.Rekha Bhavani , Advocate in SR.No. 53888
+1 cc to Special Government Pleader in SR.No.54688

rmi/vsg
AE/SV/SAR4/12.06.2017/3P/7C

W.P (MD) .No.14722 of 2013
25.04.2017