

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.1371 of 2012

U.Umarani

... Petitioner

Vs

1.The District Collector,
Office of Collectorate,
Dharmapuri (Dt).

2.The Tahsildar,
Harur Taluk,
Dharmapuri (Dt).

3.The President,
Morappur Village Panchayat,
Harur Taluk,
Dharmapuri (Dt).

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, to direct the respondents 1 and 2 herein to issue patta in respect of property situated in Rasalampatty Grama Natham S.No.51/2b, measuring 2850 Sq.ft, which is classified as Grama Natham in favour of the petitioner.

For Petitioner : Ms.D.Kalaivani for
Mr.A.Prabhakaran

For Respondents : Ms.K.Buvaneswari
Addl. Government Pleader for
RR1 & 2 Mr.R.Balaramesh for R3

O R D E R

Heard Ms.D.Kalaivani, learned counsel for the petitioner and Ms.K.Buvaneswari, learned Additional Government Pleader appearing for the first and second respondents and Mr.R.Balaramesh, learned counsel for the third respondent.

2. The petitioner has approached this Court, seeking the following relief,

"To issue a writ of Mandamus, to direct the respondents 1 and 2 herein to issue patta in respect of property situated in Rasalampatty Grama Natham S.No. 51/2b, measuring 2850 Sq.ft, which is

classified as Grama Natham in favour of the petitioner."

3. The case of the petitioner is as follows:-

According to the petitioner, she is in possession of the property situated in Rasalampatty Grama Natham S.No.51/2b, measuring 2850 Sq.ft. and she put up house construction in the said land which was classified as Grama Natham. The property was assessed for payment of property tax and has regular electricity service connection. On behalf of the third respondent, an action was initiated for demolition of the property in possession of the petitioner, stating that the property was classified as Highways Poramboke.

4. In the said circumstances, the petitioner was constrained to file a Civil Suit in O.S.No.2 of 2005, on the file of the District Munsif Court, Harur, Dharmapuri Taluk, praying for declaration and permanent injunction. The Civil Court after a full fledged trial, passed a judgment on 08.02.2008, in favour of the petitioner, in respect of injunction relief and dismissed the suit in regard to declaration of title. However, it appears that liberty was granted to the petitioner to approach the authority for grant of patta.

5. In the above circumstances, the petitioner has given her representation to the first respondent for seeking grant of patta. However, according to the petitioner, till date her representation to the first respondent have not been disposed of. Therefore, the petitioner is before this Court, seeking issuance of Writ of Mandamus.

6. The learned counsel for the petitioner would submit that since the petitioner is in possession of the subject property from 1990, she is entitled to possession, more particularly, there was a Civil Court decree in her favour. However, not considering the same, no action have been initiated for issuance of patta to her for the subject property.

7. Upon notice, learned Additional Government Pleader appearing for the respondents, entered appearance and made her submissions. During the course of the arguments, learned counsel represented that the first and second respondents may be directed to consider the petitioner's representation for issue of patta for the said property.

8. In view of the limited submissions made, for which there cannot be any objection for the learned counsel for the petitioner, this Court directs the first and second respondents to look into the grievance of the petitioner for issue of patta for the subject property, on the basis of her representation, which is addressed to the first respondent. A

copy of which was also marked to the second respondent dated 14.11.2011. From the records, it is seen that the receipt of representation is also been acknowledged by the respondents.

9. In the above said circumstances, the respondents are directed to pass orders on the said representation on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. The respondents are also directed to indicate the decision to the petitioner forthwith.

10. With the above direction, the writ petition is disposed of. No costs.

gsk

Sd/-

Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

To

1.The District Collector,
Office of Collectorate,
Dharmapuri (Dt).

2.The Tahsildar,
Harur Taluk,
Dharmapuri (Dt).

+1CC to MR.A.PRABAKARAN Advocate SR.NO.6734

+1CC to MR.R.BALA RAMESH Advocate SR.NO.6923

+1CC to THE GOVT. PLEADER SR.NO.7438

W.P.No.1371 of 2012

MK:20/02/2018

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