



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 23.04.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.1271 of 2019

Booma

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Sub Collector,
Kumbakonam,
Thanjavur District.

3.The Tahsildar,
Kumbakonam Taluk,
Kumbakonam,
Thanjavur District.

4.The Tahsildar,
Thiruvidaimaruthur Taluk,
Thiruvidaimaruthur,
Thanjavur District.

5.K.Sundarajan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned order passed by the second respondent in his proceedings in Na.Ka.8368/2015/Aa3, dated 12.01.2017 and quash the same as illegal and arbitrary and consequently, direct the third and fourth respondents to issue the patta in the petitioner's name with regard to land in Survey No.73/4 to an extent of 0.34.5 Ares situated at Uma Maheshwarapuram Village, Thiruvidaimaruthur Taluk, Thanjavur District.

For Petitioner

:Mr.G.Gomathi Sankar

For R1 to R4

:Mr.K.Mu.Muthu
Government Advocate

:Mr.J.Lawrance

**ORDER**

Heard the learned counsel on either side.

2.The writ petition pertains to Survey No.73/4 measuring 0.34.5 Ares in Uma Maheshwarapuram Village, Thiruvudaimaruthur Taluk, Thanjavur District.

3.In the revenue records, it is seen that the names of as many as 48 persons are mentioned in respect of the said land and the other lands in the village. The petitioner's father Chinnathambi's name is also figuring as one of the joint pattadhars. The said Chinnathambi passed away as early as on 25.08.1973. It appears that the said Chinnathambi was survived by as many as five legal heirs including the writ petitioner.

4.The petitioner claims that the other legal heirs are no more. But then, their death certificates have not been enclosed.

5.This Court permits the petitioner to submit a fresh application to the fourth respondent seeking substitution of her name in the place of Chinnathambi. It is made clear that the petitioner as on date is not entitled to issuance of separate patta. She can claim only joint patta along with other incumbent pattadhars. The petitioner has to establish that she is the daughter of the deceased Pattadhar Chinnathambi and that the other legal heirs of Chinnathambi are no more. If the fourth respondent is satisfied, the fourth respondent is directed to enter the name of the writ petitioner as a joint pattadhar. The writ petition stands disposed of on these terms. It is made clear that by virtue of this order, the rights of the fifth respondent shall not be put to any prejudice. No costs.

Sd/-

Assistant Registrar(Cr1.Side)

/TRUE COPY/

Sub Assistant Registrar(CS)

To

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Sub Collector,
Kumbakonam,
Thanjavur District.

3.The Tahsildar,
Kumbakonam Taluk,
Kumbakonam,
Thanjavur District.



4.The Tahsildar,
Thiruvidaimaruthur Taluk,
Thiruvidaimaruthur,
Thanjavur District.

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+1 CC to M/s.SPL GP (SR-62151[F] dated 24/04/2019)

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-61992[F] dated
24/04/2019)

+1 CC to M/s.J.LAWRANCE, Advocate (SR-62281[F] dated 24/04/2019

W.P. (MD) No.1271 2019
23.04.2019

CS (KM) :08/05/2019/3P/8C