



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2019

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD) .No.15554 of 2015

Muthulakshmi

.. Petitioner

Vs.

1.The District Collector,
Dindigul District,Dindigul.

2.The Tahsildar,
Dindigul West Taluk,Dindigul. .. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to issue patta to the petitioner for the property in survey No.1024/1C in Akaram Village, Dindigul West Taluk, admeasuring 1152 Sq. ft. by considering the representation of the petitioner dated 07.05.2015 within a time frame that may be stipulated by this Court.

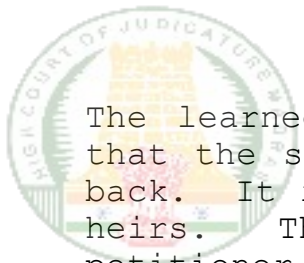
For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.C.Ramar,
Additional Government Pleader

ORDER

This Writ Petition is filed for issuing a Writ of Mandamus directing the respondents to issue patta to the petitioner for the property in Survey No.1024/1C for an extent of 1152 sq. ft. in Akaram Village, Dindigul West Taluk.

2.It is stated that the petitioner is in enjoyment of an extent of 1152 sq. ft. in Survey No.1024/1C in Akaram Village, Dindigul West Taluk. Though the petitioner has not produced any document of title or patta in her name, the petitioner states that she is in possession and enjoyment of the said property for a long time. It is also stated that she is in possession of the property by putting up construction. The petitioner further states that the building put up is assessed to house tax and she has got electricity service connection for the residential building put up by her.

3.The second respondent filed a counter stating that the entire property in Survey No.1024/1C stands in the name of one Soosai as per the revenue records. Since the petitioner has no document of title through the said Soosai or revenue records to support her claim, it is stated that the petitioner is not entitled to patta.



The learned Counsel appearing for the petitioner, however, states that the said Soosai is not there in the village and he died long back. It is also stated that the original owner had no other legal heirs. The statement of the learned Counsel appearing for the petitioner is not supported by any material. Hence, the Writ Petition is dismissed as devoid of merits. However, the petitioner's counsel seek liberty to file civil suit on the basis of the petitioner's possessory right for a long time. Hence, this Writ Petition is dismissed with liberty to the petitioner to approach the Civil Court to pursue her claim of title based on long enjoyment. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

SRM

To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Dindigul West Taluk,
Dindigul.

+1 CC to M/s.SPL GP (SR-105081[F] dated 16/12/2019)

SMA/06/01/2020/2P/4C

ORDER MADE IN
W.P. (MD) No.15554 of 2015
13.12.2019