



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2019

CORAM

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD)No.26874 of 2019

P.Mariammal

... Petitioner

vs.

The Tahsildar,
Madurai North Taluk,
Madurai District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondent to initiate patta proceedings for issuance of patta in the name of the petitioner on the basis of the online application, dated 05.08.2019 submitted by the petitioner to the respondent in respect of the House plot bearing Plot No.2, comprised in R.S.No.26/3B, measuring about 1444 sq.ft., Siruthur Village, Thirupalai Group, Madurai North Taluk, Madurai District within a time frame as may be fixed by this Court.

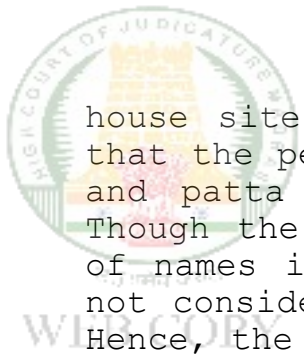
For Petitioner :Mr.M.Ponniah
For Respondent :Mr.B.Bhagavathy
Government Advocate

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus to direct the respondent to issue patta in the name of the petitioner on the basis of the online application, dated 05.08.2019 submitted by the petitioner to the respondent in respect of the House plot bearing Plot No.2, comprised in R.S.No.26/3B, measuring about 1444 sq.ft., Siruthur Village, Thirupalai Group, Madurai North Taluk, Madurai District within a time frame as may be fixed by this Court.

2.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.The petitioner submitted that she is the absolute owner of the House Plot (Plot No.2) comprised in R.S.No.26/3b in Siruthur Village, Thirupalai Group, Madurai North Taluk, Madurai District by virtue of a registered sale deed, dated 07.03.2008. Though this Court find no averments in the affidavit to the effect that the petitioner's vendor had title and patta for the property for the



house site plot, the learned Counsel for the petitioner submitted that the petitioner has produced the record to show the prior title and patta in favour of the petitioner's predecessor-in-interest. Though the petitioner submitted an online application for mutation of names in revenue records, it is stated that the respondent did not consider the application nor passed any order for a long time. Hence, the present Writ Petition is filed by the petitioner.

4.It is stated that the petitioner had approached the respondent in person on number of occasions for granting patta and that all the efforts taken by the petitioner ended in futile, as the respondent did not consider the petitioner's application on merits.

5.Having regard to the facts and circumstances of the case and prayer in the Writ Petition, without expressing any opinion on the merits of the petitioner's case, this Court is inclined to issue the following direction:-

"The respondent is directed to consider the petitioner's online application, dated 05.08.2019 and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order, after giving sufficient opportunity to the petitioner to produce records and after holding an enquiry, in case, there is any rival claim."

6.Accordingly, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

To

The Tahsildar,
Madurai North Taluk,
Madurai District.

+1 CC to M/s.M.PONNIAH, Advocate (SR-105307[F] dated 17/12/2019)

W.P. (MD) No.26874 of 2019
17.12.2019

CMR
MS/03.01.2020/2P.3C