



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :26.08.2020

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.12779 of 2011

and

M.P. (MD) No.1 of 2011

WEB COPY

T.Saktheeswari

...Petitioner

Vs

1.The Tahsildar,
Madurai North Taluk,
Madurai.

2.Rafeek Raja
(R2 has been impleaded
vide order dated 26.08.2020)

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to quash the order passed in Na.Ka.No.RTR.No.335/2011/D2 by the respondent dated 14.07.2011 and to direct the respondent to evaluate the application of the petitioner in accordance with law and grant Patta to her in respect of Plot No.1 of Singapore Nagar Layout in Survey No.97/2 of Kadavur Village, Madurai North Taluk, Madurai District having an extent of 11 cents.

For Petitioner: Mr.N.Ananthapadmanaban

For R1 : Mr.C.Marichelliah Prabhu
Additional Government Pleader

For R2 : Mr.D.Shanmugaraja Sethupathi

ORDER

Challenging the order passed in Na.Ka.No.RTR.No.335/2011/D2 by the 1st respondent dated 14.07.2011, the present writ petition is filed.

2.It is the case of the petitioner that she purchased a house site in S.No.97/2 situated at Kadavur Village, Madurai North Taluk, Madurai, from one Karuppanan and Selvam through their power of attorney agents, namely, T.Villavankothai, Malaiypulian and Selvam. Thereafter, as a purchaser, though she made a representation dated 13.10.2010 to the 1st respondent seeking to issue patta for the said site, the 1st respondent, vide impugned proceedings dated 14.07.2011, had refused to grant patta stating that with regard to the aforesaid property, a case is pending before the Judicial Magistrate No.II, Madurai. Challenging the same, the present writ petition.



3.The learned Additional Government Pleader appearing for the 1st respondent, by way of counter affidavit, would submit that in respect of the aforesaid site, the petitioner has failed to produce the power of attorney deed executed by the pattadar to substantiate her claim. He would further submit that the 2nd respondent has lodged a compliant against one Veeranan, S/o.Ariyapulian and 32 others alleging that they tried to fraudulently sell the property in S.No.97/2 to him.

4.Heard the learned counsel on either side and perused the records carefully.

5.From the records, it is seen that though the impugned order has been passed in the year 2011, 9 years have been lapsed now and from the counter affidavit filed by the 1st respondent, it is seen that though the petitioner has failed to produce the power of attorney deed executed by the pattadar to substantiate her claim, this Court has taken a lenient view in favour of the petitioner on sympathy ground to grant one more opportunity to substantiate her case.

6.In the light of the above, the impugned order passed in Na.Ka.No.RTR.No.335/2011/D2 by the 1st respondent dated 14.07.2011, is hereby quashed and the matter is remitted back to the 1st respondent to consider the same afresh and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order, after providing opportunities to the parties concerned, if necessary.

7.This Writ Petition is disposed of, in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

The Tahsildar,
Madurai North Taluk,
Madurai.

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+1 CC to SGP (SR-15288[F] dated 28/08/2020)

W.P. (MD) No.12779 of 2011
26.08.2020

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