



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **28.08.2020**

CORAM

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

**W.P. (MD) No.10325 of 2020**

A.Haja Mydeen

...Petitioner

Vs

1.The Sub Collector,  
O/o. the Sub Collector,  
Kumbakonam,  
Thanjavur District.

2.The District Revenue Officer,  
O/o. the District Revenue Officer,  
Kumbakonam,  
Thanjavur District.

3.The Tahsildar,  
O/o. the Tahsildar,  
Papanasam Taluk,  
Papanasam,  
Thanjavur District.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to conduct detailed enquiry and issue separate patta to the petitioner by considering the representation dated 30.05.2018.

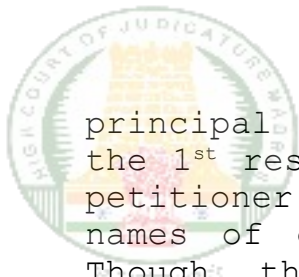
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|-----------------|---|-------------------------------------|
| For Petitioner  | : | Mr.S.M.A.Jinnah                     |
| For Respondents | : | Mr.M.Murugan<br>Government Advocate |

### **ORDER**

This Writ Petition is filed to direct the respondents 1 to 3 to conduct detailed enquiry and to issue separate patta in respect of the petition mentioned property in favour of the petitioner.

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

3.According to the petitioner, the property in S.Nos.126/11 and 415/5 situated at Sarabojirajapuram and Valuthoor respectively, originally belonged to the mother of the petitioner's principal namely, Johara Beevi. After the demise of Johara Beevi, when the petitioner and his brother were decided to partitioned the said property, they came to know that the properties stood in the name of others instead of Johara Beevi. In this regard, the petitioner's



principal sent representations dated 30.05.2018 and 25.07.2019 to the 1<sup>st</sup> respondent seeking to issue separate patta in favour of the petitioner and his brother for the said property, by removing the names of others in the patta already issued in favour of them. Though the 1<sup>st</sup> respondent had issued a communication dated 14.11.2018, wherein, it had been stated that the 3<sup>rd</sup> respondent is advised to submit a report, relating to the request of the petitioner, no such report has been filed till date. Hence, left with no other alternative, the petitioner is before this Court.

4. In reply, the learned Government Advocate appearing for the respondents would submit that the petitioner's representation dated 25.07.2019, would be considered on merits and in accordance with law, within a time frame to be fixed by this Court.

5. Having regard to the limited scope of the prayer made by the petitioner and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, is inclined to pass the following directions:-

the respondents are directed to consider the petitioner's representation dated 25.07.2019 and pass appropriate orders on merits and in accordance with law, after affording opportunity of hearing to the petitioner and the aggrieved persons, if any, within a period of twelve weeks from the date of receipt of a copy of this order;

6. This Writ Petition is disposed of, with the above direction. No costs.

Sd/-

Deputy Registrar (LA&MC)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

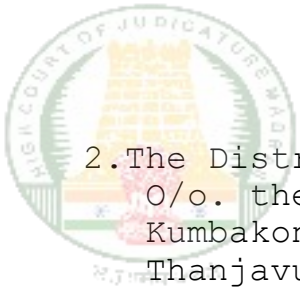
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**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the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

To

1. The Sub Collector,  
O/o. the Sub Collector,  
Kumbakonam,  
Thanjavur District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The District Revenue Officer,  
O/o. the District Revenue Officer,  
Kumbakonam,  
Thanjavur District.

3.The Tahsildar,  
O/o. the Tahsildar,  
Papanasam Taluk,  
Papanasam,  
Thanjavur District.

+1 CC to M/s.GP ( SR-15408[F] dated 31/08/2020 )

**W.P. (MD) No.10325 of 2020**  
**28.08.2020**

**AP(07/09/2020) 3P 5C**