



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2020

CORAM

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

W.P. (MD).No.13147 of 2020

S.Manimozhi

.. Petitioner

Vs.

1. The Revenue Divisional Officer,
Revenue Divisional Office,
Pudukottai.

2. Kalaimani

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the first respondent to consider petitioner's representation dated 09.04.2019 and to issue patta in favour of the petitioner and her brother Mr.Karunakaran pertaining to the property admeasuring 1 Acre 51 Cents comprised in Old Survey No.394/1, New Survey No.394/6D in Mangadu Village, Alangudi Taluk, Pudukottai District, after removing the name of the second respondent.

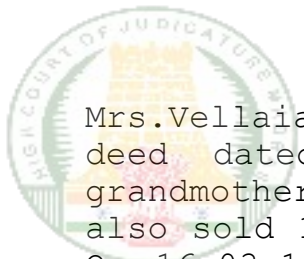
For Petitioner	: Mr.P.Sesubalan Raja
For Respondent 1	: Mr.P.Kannithevan
	Additional Government Pleader

O R D E R

This Writ Petition is filed for issuance of a Writ of Mandamus to direct the first respondent to consider the petitioner's representation dated 09.04.2019 and to issue patta in favour of the petitioner and her brother Mr.Karunakaran pertaining to the property admeasuring 1 Acre 51 Cents comprised in Old Survey No.394/1, New Survey No.394/6D in Mangadu Village, Alangudi Taluk, Pudukottai District, after removing the name of the second respondent.

2.Heard the learned Counsel appearing for the petitioner and Mr.P.Kannithevan, learned Additional Government Pleader, who took notice for the first respondent. Since this Court is not going to pass any adverse orders against the second respondent, notice to the second respondent is dispensed with.

3.The learned Counsel appearing for the petitioner submitted that the property admeasuring 4 acre 87 cents comprised in Survey No.394/1 in Mangadu Village, Alangudi Taluk, Pudukkottai District was originally belonged to the grandmother of the petitioner by name



Mrs.Vellaiammal, who purchased the same through a registered sale deed dated 17.07.1944. In the year 1972, the petitioner's grandmother had sold 1 acre 10 cents to one Adaikalam and then she also sold 1 acre 67 cents to one Mrs.Vellaimmal, wife of Rengasamy. On 16.03.1993 the petitioner's grandmother died and the father of the petitioner also predeceased her on 05.01.1980 leaving behind the petitioner and her brother Karunakaran as his heirs. Thereafter, the brother of the petitioner had sold 58 cents to one Karuppaiya in the year 1995. It is further submitted that after disposing of an extent of 3 acres 35 cents out of 4 acre 87 cents, the petitioner and her brother are in possession and enjoyment of the property measuring to an extent of 1 acre and 51 cents. While so, the second respondent who is the owner of the adjacent land, taking advantage of the petitioner's absence in the village, had obtained patta in his name with the connivance of the revenue officials and also executed a mortgage deed in 2016 in respect of the property in favour of ICICI Bank, Alangudi Branch. In this regard, the petitioner had made a complaint before the Land Grabbing Cell, Pudukkottai which is under investigation. Thereafter, the petitioner had sent a representation on 17.01.2020 to the first respondent and other officials seeking change of patta in her name. Though the first respondent received the said representation on 21.01.2020, no action has been taken by the first respondent. Hence, the petitioner has come forward with the present Writ Petition.

4.Considering the facts and circumstance of the case and without going into the merits of the matter, this Court is inclined to issue the following direction:

"The first respondent shall decide the issue after hearing the petitioner and other parties, who are likely to be affected, including the second respondent, and pass appropriate orders in accordance with law within a period of three months from the date of receipt of a copy of this order, preferably on or before 28.02.2021.

5.The Writ Petition is disposed of with the above directions.
No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

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



To

The Revenue Divisional Officer,
Revenue Divisional Office,
Pudukottai.

WEB COPY

+1 CC to the SPL GP (SR-20171[F] dated 15/10/2020)

**ORDER MADE IN
W.P. (MD) .No.13147 of 2020
14.10.2020**

SGS (CO)
CS (01.12.2020) 3P 3C