



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.15112 of 2020

Vanitha N.Patel ... Petitioner
(Through her power Agent, Nanthu K.Patel)

-Vs-

The Tahsildar,
Trichirapalli (West),
Trichirappalli. ... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent to issue patta in favour of the petitioner based on the representation dated 11.09.2020 within a stipulated time as fixed by this Court.

For Petitioner : Mr.S.M.Mohan Gandhi
For Respondent : Mr.M.Muniya Samy,
Additional Government Pleader.

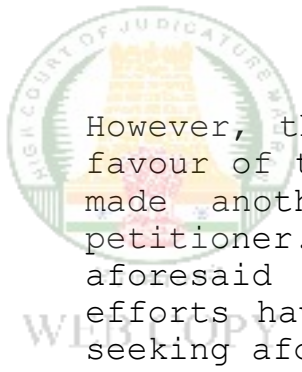
ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the respondent to issue patta in favour of the petitioner based on the representation dated 11.09.2020, within the stipulated time as 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.Mr.M.Muniya Samy, learned Additional Government Pleader accepts notice on behalf of the respondent.

4.According to the petitioner, her father, namely, Nathu K.Patel has purchased some lands in various survey numbers. After purchasing the aforesaid lands, the petitioner and her father have got possession of the same. While so, the petitioner has executed a power of attorney in favour of her father through a registered General Power of Attorney bearing Document No.48 of 2016 on 06.04.2016, giving power to deal with the properties and develop the same. However, they did not obtain patta in their name. Therefore, in order to change the patta in the name of the petitioner, her father has given an application on 07.07.2019 to the respondent.



However, the respondent has not taken any steps to issue patta in favour of the petitioner. Thereafter, on 11.09.2020, her father has made another representation to issue patta in favour of the petitioner. Though the petitioner is the rightful owner of the aforesaid lands, she has not been issued with patta. Since no efforts have been taken, the petitioner has approached this Court, seeking aforesaid prayer.

5.The learned counsel appearing for the petitioner would submit that the patta has been issued to the petitioner in terms of Section 10 of the Patta Pass Book Act.

6.When the matters are taken up for admission, the learned Additional Government Pleader has produced a communication dated 03.10.2020 issued by the respondent, stating that as the lands in Survey Nos.47/1, 47/2, 47/3, 47/4, 47/5, 47/6 are mentioned as 'Government Punjai Land' in revenue records, the patta cannot be issued.

7.It is needless to mention that this decision can be communicated to the petitioner, so that the petitioner can work out her appeal remedy, if she is aggrieved by the decision. It is open to her to challenge the same by way of appeal. If the appeal is preferred by the petitioner, the appellate authority is expected to decide the same, within a period of 90 days from the date of receipt of the appeal.

8.Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TO BE SUBSTITUTED BY ORDER DATED 17.12.2020

PJL

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,
Triuchirapalli (West),
Triuchirappalli.

+1 CC to Mr.S.M.MOHAN GANDHI, Advocate SR.No. 20834

W.P. (MD) No.15112 of 2020
17.12.2020

NS (CO)
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