



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **08.10.2020**

CORAM:

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

W.P(MD)No.13968 of 2020

Suguna

... Petitioner

Vs.

1.The Assistant District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Tahsildar,
Sankarankovil,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to comply the direction of the first respondent in its urgent memo O.Mu. 33/3404/2019, dated 03.09.2019, consequentially directing the first respondent to issue patta in respect of property in Survey No.1, to an extent of 2.20.0 hectare, Village Upper Ilandaikulam, Sankarankovil Taluk, Tirunelveli District, in view of the decree in O.S.No.348/2012, dated 30.07.2012 and decree in O.S.No.102/2010, dated 02.07.2014, by considering petitioner's application dated 16.08.2018, within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen
For Respondents : Mr.K.P.Krishnadoss
Special Government Pleader

ORDER

This Writ Petition is filed seeking issuance of a Writ of Mandamus directing the second respondent to comply with the direction of the first respondent in his urgent memo O.Mu. 33/3404/2019, dated 03.09.2019 and consequently direct the first respondent to issue patta in respect of property in Survey No.1, to an extent of 2.20.0 hectare situate in Mela Ilandaikulam Village, Sankarankovil Taluk, Tirunelveli District, based on the decree in O.S.No.348/2012, dated 30.07.2012 and a decree in O.S.No.102/2010, dated 02.07.2014 and also by considering the



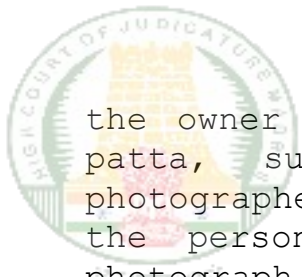
petitioner's application dated 16.08.2018, within the period stipulated by this Court.

2. Heard the learned Counsel appearing for the petitioner and Mr.K.P.Krishnadoss, learned Special Government Pleader, who took notice for the respondents. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. The learned Counsel appearing for the petitioner submitted that the property measuring to an extent of 2.20.0 hectare in Patta No.316 originally belonged to one Mr.Mannarsami Naidu which was granted to him under the provisions of Tamil Nadu Inam Abolition Act, 1963 in the year 1965 and since then, he was in exclusive use, occupation, possession and enjoyment of the said property. Since patta has been wrongly changed in the name of some third parties, the legal heirs of Mr.Mannarsamy Naidu including the petitioner have filed a suit for declaration in O.S.No.348 of 2012 on the file of Additional District Munsif Court, Madurai, to declare them as the legal heirs of the said deceased Mannarsamy Naidu and it was decreed on 30.07.2012. In the mean time, since one Mr.Duraipandi and others have interfered with the peaceful possession and enjoyment of the subject property, the petitioner and other legal heirs filed another suit for permanent injunction on the file of the Principal District Munsif Court, Sankarankovil, in O.S.No.102 of 2010 and it was decreed on 02.07.2014. Thereafter, the petitioner sent a petition on 16.08.2018 to the respondents seeking cancellation of patta stood in favour of third parties and issue patta in favour of the petitioner and other legal heirs of the deceased Mr.Mannarsamy Naidu. Considering the said application, the first respondent directed the second respondent to submit a detailed report after verifying the relevant documents. Since there is no response from the respondents, the petitioner has come forward with the present Writ Petition.

4. The learned Special Government Pleader appearing for the respondents would submit that now Tirunelveli District has been bifurcated as Tirunelveli District and Tenkasi District and after bifurcation, the first respondent's jurisdiction vest with the Assistant District Collector, Tenkasi District, Tenkasi.

5. Considering the facts and circumstances and also considering the submission of the learned Special Government Pleader appearing for the respondents, the second respondent is directed to forward the papers to the jurisdictional Assistant District Collector, Tenkasi District, who shall decide the matter after receiving the detailed report from the second respondent and after hearing the parties who will likely to be affected. The petitioner shall also produce all the relevant documents to show that she is



the owner of the property in question. In case of issuance of patta, survey needs to be conducted and the said survey shall be photographed and videographed in the presence of the petitioner and the persons who are likely to be affected and the costs of photograph and Videograph to be borne by the party seeking patta. Such exercise shall be completed within a period of four months from the date of receipt of a copy of this order. It is made clear that this Court has not decided the rights of the parties in the present Writ Petition. It is open to the respondents to decide the same. The directions given in W.P(MD).No.7746 of 2020 batch, dated 23.09.2020 and W.P.(MD)No.13465 of 2020 dated 05.10.2020 should be followed wherever it is applicable.

6. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

To

1.The Assistant District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Tahsildar,
Sankarankovil,
Tirunelveli District.

+1 CC to M/s.GP (SR-19601[F] dated 09/10/2020)

W.P(MD)No.13968 of 2020
08.10.2020

srk(CO)

TR(02.11.2020) 3P 4C