



WEB COPY

W.P(MD)No.14146 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **12.10.2020**

CORAM:

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

W.P (MD) No.14146 of 2020

and

W.M.P. (MD) No.11793 of 2020

S.Santhi

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai Division,
Sivagangai District.

3.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

4.The Village Administrative Officer,
Kalanivasal Village,
Karaikudi Taluk,
Sivagangai 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 issue joint patta to petitioner and his mother in respect of the property in T.S.No.1098/1 (Old T.S.No.946/5) of an extent of 2400 sq. ft. in Survey Block No.15, Survey Ward No.1, in Karaikudi Municipality and Taluk, Sivagangai District.

For Petitioner	:	Mr.M.Karthikeyavenkitachalapathy
For Respondents	:	Mr.M.Muniya Samy, Additional Government Pleader

ORDER

This Writ Petition is filed seeking issuance of a Writ of Mandamus directing the second respondent to issue joint patta to petitioner and her mother in respect of the property in T.S.No.1098/1 (Old T.S.No.946/5) to an extent of 2400 sq. ft. in Survey Block No.15, Survey Ward No.1, in Karaikudi Municipality and Taluk, Sivagangai District.

2.Heard the learned Counsel appearing for the petitioner and Mr.M.Muniya Samy, learned Additional Government Pleader, who took notice for the respondents. By consent of both parties, the Writ

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Petition is disposed of at the admission stage itself.

3.The learned counsel appearing for the petitioner would submit that the petitioner and her mother have purchased a housing plot measuring to an extent of 2400 sq. ft. in Old Survey No.946/5, new Town Survey No.1098/1 in Survey Block No.15, Survey Ward No.1 in Karaikudi Municipality within the Karaikudi Taluk from one Nasima Banu through a sale deed bearing Document No.2952/2013. The petitioner and her mother have submitted an application before the second respondent on 19.07.2018 seeking subdivision of Survey No.1098/1 and the same is pending for adjudication in Na.Ka.A1/6601/2018. While so, on 23.07.2020 when the petitioner started to construct a house, the third respondent officials asked the petitioner to stop the construction works claiming that the said land belongs to Government. Therefore, the petitioner made a representation on 12.08.2020 enclosing relevant documents before the second and third respondents seeking to issue joint patta in favour of the petitioner and her mother. Since there is no response from them, the petitioner has come forward with this Writ Petition.

4.The learned Additional Government Pleader appearing for the respondents would submit that the land in T.S.No.1098/1 is a Government poramboke land and the petitioner has partly constructed a house. When the petitioner has been questioned by the respondents about the construction of the house, the petitioner stated that the land and house belong to her and there is a sale deed in favour of her and her mother.

5.Considering the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the matter, directs the second respondent to decide the appeal and pass appropriate orders thereon in accordance with law within a period of four months from the date of receipt of a copy of this order, after verifying the Government records as well as the records in the Sub Registrar Office including the veracity of the title to the persons who sold the property to the petitioner.

6.With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
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Sivagangai District.

3.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

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+1 CC to M/s.GP (SR-19885[F] dated 13/10/2020)

W.P (MD) No.14146 of 2020
12.10.2020

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