



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **17.12.2020**

CORAM:

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

W.P (MD)No.14653 of 2020

WEB COPY

Ponnammal

.. Petitioner

Vs.

1. The Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.

2.The Tahsildar,
Eral, Eral Taluk,
Thoothukudi District.

3.Gana Pushpam

.. 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 consider and pass orders on the petitioner's representation dated 11.05.2020 seeking to cancel the Patta No.1332 issuing in favour of Gana Pushpam alone pertaining to Survey No.816/1 in Themankulam Revenue Village, Thoothukudi District and to issue joint patta adding the name of the petitioner, the petitioner's daughters and son.

For Petitioner	:	Mr.A.Ajith Geethan
For Respondents 1 and 2	:	Mr.M.Muniyasamy Additional Government Pleader

For Respondent No.3	:	Mr.S.Manthiralingeswaran
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ORDER

This writ petition has been filed for issuance of a direction to the second respondent to consider the petitioner's representation dated 11.05.2020 seeking to cancel the Patta No.1332 issuing in favour of Gana Pushpam alone pertaining to Survey No.816/1 in Themankulam Revenue Village, Thoothukudi District and to issue joint patta by adding the name of the petitioner, the petitioner's daughters and son.

2. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the third respondent.



3. The case of the petitioner is that the petitioner's mother-in-law had own land in Survey No.816/1 to an extent of 58 cents situated at Themankulam Revenue Village and the same was registered as Document No.230 of 1970 in Alwarthirungari Sub-Registrar Office, Thoothukudi District. After the demise of her mother-in-law, the petitioner's husband and his sister are the legal heirs for the above said property. But after the death of the petitioner's husband, her sister-in-law, namely, Gana Pushpam illegally changed the patta in favour of her name alone vide Patta No.1332 for the above said property in S.No.816/1 instead of getting joint patta along with the name of the petitioner and her two daughters and one son. Hence, the petitioner sent a representation on 11.05.2020 requesting to cancel the patta issued in Patta No.1332 issued in favour of the said Gana Pushpam alone and to issue joint patta by adding the name of the petitioner, her two daughters and one son.

4. The learned counsel for the third respondent would submit that in this regard, already a civil dispute between the parties is pending.

5. The relief sought for by the petitioner cannot be granted by the authorities concerned as by disposing of the representation would amount to deciding the civil dispute between the parties. Hence, it is open to the petitioner to approach the appropriate Civil forum to get necessary relief in accordance with law.

6. Accordingly, this Writ Petition stands dismissed. No Costs.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

1. The Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.



2.The Tahsildar,
Eral, Eral Taluk,
Thoothukudi District.

+1 CC to Mr.A.AJITH GEETHAN, Advocate SR.No. 25918
+1 CC to Mr. Special Government Pleader, SR.No. 26595

W.P (MD) No.14653 of 2020
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TR(20.01.2021) 3P 5C