



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.14814 of 2020

P.Malika

.. Petitioner

Vs.

The Tahsildar,
Office of the Tahsildar,
Thuraiyur Taluk,
Trichy District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondent to consider the representation dated 20.09.2018 made by the petitioner within a reasonable time.

For Petitioner

: Mr.S.Varanesh

For Respondents

: Mr.K.P.Krishnadass
Special Government Pleader

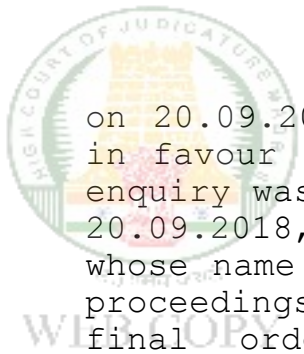
ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to consider the representation dated 20.09.2018, made by the petitioner within a reasonable time.

2.Heard Mr.S.Varnesh, learned counsel for the petitioner. Mr.K.P.Krishnadass, learned Special Government Pleader, accepts notice on behalf of the respondent.

3.By consent of both parties, this writ petition is taken up for final hearing at the admission stage itself.

4.It is the case of the petitioner that the property at door No.3/167A, Kannanur Village, Thuraiyur Taluk, Trichy District in old Survey No.357 in New Survey No.681/13 in Patta No.561 measuring an extent of 2 cents is owned by three persons, namely the petitioner herein, Krishnasamy @ Krishnan and Thangaraju. According to the petitioner, a joint patta was also issued by the respondent in the year 2002, in favour of all three persons. However, according to the petitioner, without the knowledge of the petitioner, suddenly, Krishnasamy @ Krishnan got a patta issued by the respondent in his name exclusively. Therefore, the petitioner gave a representation



on 20.09.2018, requesting him to cancel the exclusive patta issued in favour of Krishnasamy @ Krishnan. According to the petitioner, enquiry was conducted by the respondent in the representation, dated 20.09.2018, given by the petitioner. Krishnasamy @ Krishnan in whose name presently the patta stands was also heard in the enquiry proceedings. However, according to the petitioner, till date no final orders have been passed in the representation dated 20.09.2018, given by the petitioner. In such circumstances, this writ petition has been filed.

5.The relief sought for in this writ petition is an innocuous relief. No prejudice will be caused to the respondent, if the relief sought for by the petitioner is granted by this Court. Admittedly, enquiry proceedings subsequent to the representation dated 20.09.2018, given by the petitioner for cancelling the exclusive patta issued in favour of Krishnasamy @ Krishnan was conducted by the respondent. Admittedly, no final orders have been passed by the respondent.

6.This Court has also perused and examined the joint patta issued in the year 2002 for the same property, which was standing in the name of the petitioner, Krishnasamy @ Krishnan and Thangaraju. After giving due consideration to the aforementioned factors, this Court is of the considered view that the representation of the petitioner dated 20.09.2018, for cancellation of the exclusive patta standing in the name of Krishnasamy @ Krishnan will have to be considered by the respondent on merits and in accordance with law expeditiously.

7.For the foregoing reasons, this Court directs the respondent to consider the petitioner's representation dated 20.09.2018, requesting for modification of patta standing in the name of Krishnasamy @ Krishnan for the property at door No.3/167A, Kannanur Village, Thuraiyur Taluk, Trichy District in old Survey No.357 in New Survey No.681/13 in Patta No.561 measuring an extent of 2 cents and pass final orders on merits and in accordance with law, after hearing all the necessary parties including Mr.Krishnasamy @ Krishnan, within a period of eight weeks from the date of receipt of a copy of this order.

8.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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,
Office of the Tahsildar,
Thuraiyur Taluk,
Trichy District.

+1 CC to M/s.GP (SR-20790[F] dated 02/11/2020)

+1 CC to M/s.S.VARANESH, Advocate (SR-20958[F] dated 03/11/2020)

**W.P (MD) .No.14814 of 2020
29.10.2020**

KG (CO)

KK(09.11.2020) 3P 4C