



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.14874 of 2020

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Samboornam

... Petitioner

Vs.

The Tahsildar,
Musiri Taluk Office,
Musiri, Trichy District.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent to include the petitioner's name in Patta No.6690, in respect of Survey No.185/1 situated at Komangalam Village, Vadakku Sithampur Post, Musiri Taluk, Trichy Post, on the basis of the petitioner's representation dated 21.08.2020 within a time frame fixed by this Court.

For Petitioner : Mr.K.Arunraj

For Respondent : Mr.M.Muniyasamy

Additional Government Pleader

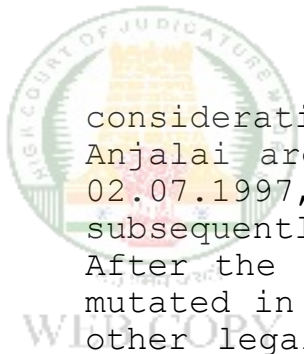
ORDER

The petitioner has come forward with this Writ Petition, to direct the respondent to include the petitioner's name in Patta No.6690, in respect of Survey No.185/1 situated at Komangalam Village, Vadakku Sithampur Post, Musiri Taluk, Trichy Post, on the basis of the petitioner's representation dated 21.08.2020 within a time fixed by this Court.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel for the petitioner as well as Mr.M.Muniyasamy, learned Additional Government Pleader, who accepts notice on behalf of the respondent.

4. The case of the petitioner is that the properties comprised in S.F.No.185/1 in Patta No.841, S.F.No.185/2 in Patta No.842, S.F.No.3/1B, 2B in Patta No.845, S.F.No.243/3A in Patta No.1610 totally Acre 3.68 cents are situated at Komangalam Village, Vadakku Sithampur Post, Musiri Taluk, Trichy District. The above said properties were originally belonged to the Petitioner's father-in-law, namely, Deivanaiyammal. The property in S.F.No.185/1 to an extent of 1.26 Acre in Patta No.841 was purchased by her father-in-law's mother, namely, Deivanaiyammal through registered sale deed in Doc.Nos.1894/1954 and 362/1961 for valuable



consideration. The petitioner's husband Periyasamy, Poovayee and Anjalai are the legal heirs to the petitioner's father-in-law. On 02.07.1997, the petitioner's father-in-law was died and subsequently the petitioner's husband also died on 07.07.1997. After the life time of her husband, namely, Periyasamy, Patta was mutated in the name of the petitioner as well as in the name of the other legal heirs in respect of the subject properties except the property consists in Patta No.841, which stands in the name of the said Vellaiyammal alone. It is pertinent to note that the petitioner's dwelling house is located at the above said Patta No.841. The Electricity connection and House tax and water bill also mutated in the name of the petitioner and the petitioner regularly paid taxes. Now the Patta No.6690 stands in the name of Anjalai, who is one of the legal heir of the petitioner's father-in-law. Thereafter, the petitioner sent a representation dated 21.08.2020 to the Revenue Divisional Officer, Musiri, to include her name as a Joint Pattathar in Patta No.841 in S.F.No.185/1. But no action has been taken so far. Hence, the petitioner approached this Court with the aforesaid prayer.

5. The petitioner has not made the Revenue Divisional Officer, Musiri, who is a necessary and proper party, as a party to the petition. The Tahsildar is not the competent authority. That apart, the person, in whose name the patta stands is also not made as a party in this writ petition. Hence, this Court cannot grant the relief sought for in this writ petition. However, the disposal of this writ petition does not a bar for the petitioner for making fresh representation to the Revenue Divisional Officer, Musiri. On such representation, the Revenue Divisional Officer, Musiri, shall consider the case/request of the petitioner and decide the issue after hearing not only the petitioner but also the other parties, who are interested in the said property. The said exercise shall be completed by the Revenue Divisional Officer in accordance with law, within a period of four months from the date of receipt of the representation of the petitioner.

6. This Writ Petition is disposed of with the above directions. No costs.

Sd/-

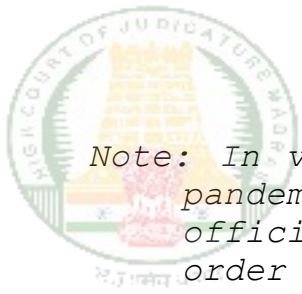
Assistant Registrar (CS-III)

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/ /2020

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,
Musiri.

2.The Tahsildar,
Musiri Taluk Office,
Musiri, Trichy District.

+1 CC to Additional Government Pleader(SR-22359[F] dated 20/11/2020

W.P. (MD)No.14874 of 2020

19.11.2020

NS (CO)

NR (23/12/2020) 3P : 4C