



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD)No.15361 of 2020

Raheema Beevi

... Petitioner

-VS-

1. The District Collector,
Theni,
Theni District.
2. The Revenue Divisional Officer,
Uthamapalayam Taluk,
Uthamapalayam,
Theni District.
3. The Tahsildar,
Uthamapalayam Taluk,
Uthamapalayam,
Theni District.
4. The Zonal Deputy Tahsildar,
Uthamapalayam Taluk,
Uthamapalayam,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the third respondent to issue patta in respect of property in R.S.No.1981/1, Uthamapalayam Village, Theni District, having area of 52 cents in favour of petitioner.

For Petitioner	: Mr.V.M.Balamohan Thampi
For Respondents	: Mr.K.P.Krishnadoss
	Special Government Pleader

ORDER

This writ petition is filed, seeking issuance of a Writ of Mandamus directing the third respondent to issue patta in respect of property of the petitioner measuring to an extent of 52 cents in R.S.No.1981/1 situated at Uthamapalayam Village, Theni District.



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 of both sides, the Writ Petition is disposed of at the admission stage itself.

3. It is represented by the learned counsel appearing for the petitioner that the petitioner had purchased a land measuring to an extent of 1 acre 52 cents in Survey No.1981 situated at Uthamapalayam Village, Theni District, in the name of his minor son by name Yamohideen from one M.Manikandan vide document No.955 of 1995, dated 16.07.1995. Thereafter, the petitioner had approached the third respondent seeking issuance of patta. The third respondent had issued patta for 1 acre only after subdividing the Survey No.1981 as R.S.No.1981/1 and R.S.No.1981/2. He has also issued a patta in respect of 52 cents with regard R.S.No.1981/1 in the name of one Ayyan Konar, who is the vendor of the said M.Manikandan from whom the petitioner had purchased the entire extent of 1 acre and 52 cents. Therefore, the petitioner made an application to the third respondent to change the patta in the name of the petitioner's son as the said Ayyan Konar or his legal heirs have no right or title whatsoever over the said property. In the meantime, on 05.12.2013, the petitioner's son had executed a settlement deed in favour of the petitioner vide Document No.9157 of 2018. Thereafter, on 02.03.2020, the petitioner made an application before the third respondent to issue patta in his name based on the settlement deed in respect of R.S.No.1981/1 to an extent of 52 cents. The petitioner has also sent a representation to the second respondent on 14.09.2020 which was forwarded to the third respondent. Since no action was taken by the respondents on the representations made by the petitioner, the petitioner has come forward with the present Writ Petition.

4. Considering the facts and circumstances of the case, the third respondent is directed to consider the application of the petitioner dated 02.03.2020 and pass orders in accordance with law and in the light of the judgment made in W.P.(MD)No.14135 of 2020, dated 12.10.2020, after affording an opportunity of hearing to the concerned parties.

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

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

<https://hcservices.ecourts.gov.in/hcservices/>



To

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Theni District.
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+1 CC to Mr.V.M.BALAMOHAN THAMBI, Advocate SR-21245.
+1 CC to the SPL GP SR-21467.

W.P (MD) No.15361 of 2020
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