



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **24.11.2020**

CORAM:

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

W.P (MD) No.16647 of 2020

P.Ranjitham

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.
2. The Revenue Divisional Officer,
Melur Sub Division,
Othakadai,
Madurai.
3. The Tahsildhar,
Madurai North Taluk,
Madurai District.
- 4.R.Ramakrishnan

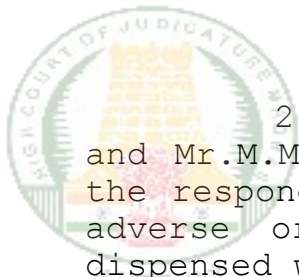
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to issue separate joint patta to the petitioner and her sister for the lands having extent of 6.5 cents and 6.5 cents respectively in Survey No.37/9A1 and 37/8B at Kallanthiri Bit-II, Madurai North Taluk, Madurai District on the basis of the petitioner's representation dated 26.09.2020.

For Petitioner	: Mr.R.Shankar Ganesh
For respondents	: Mr.M.Murugan
1 to 3	Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus directing the respondents 1 to 3 to issue separate joint patta to the petitioner and her sister for the lands having extent of 6.5 cents and 6.5 cents respectively in Survey No.37/9A1 and 37/8B at Kallanthiri Bit-II, Madurai North Taluk, Madurai District on the basis of the petitioner's representation dated 26.09.2020.



2.Heard the learned Counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate, who took notice for the respondents 1 to 3. Since this Court is not going to pass any adverse order against the forth respondent, notice to him is dispensed with.

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3.The learned Counsel appearing for the petitioner would submit that the father of the petitioner had purchased various properties in Survey Nos.36/1C, 36/1D, 37/8, 36/9A, 37/9A and 37/9B at Kallanthiri Bit-II, Madurai North Taluk, Madurai District from one Karuppanan Ambalam, S/o.Vahuthi Ambalam and one Nallapillai @ Nachammal, W/o.K.K.A.Karuppanan Ambalam respectively and accordingly, he became the owner of the property to an extent of 21.5 Cents in S.No.37/9A and 12.5 cents in S.No.37/8 and the above said survey numbers were subdivided as 37/9A1 and 37/8B. Thereafter, the petitioner's father had sold 15 cents and 6 cents respectively in Survey Nos.37/9A1 and 37/8B to one Indira, W/o.Macharajan vide Doc. No.504/1990. After selling the said extents of land, the petitioner's father has been in possession and enjoyment of the remaining extent of the property namely 6.5 cents and 6.5 cents in Survey Nos.37/9A1 and 37/8B and after his demise, the petitioner and his sister, as the legal heirs, are in peaceful possession and enjoyment of the said property. While so, the fourth respondent had illegally mutated the revenue records in his name as if he had purchased the said lands from the said Indira. The third respondent had changed the patta in the name of the fourth respondent without affording an opportunity to the petitioner. Therefore, the petitioner had approached the respondents by submitting representation on 26.09.2020 seeking issuance of patta in the name of the petitioner and his sister. Since the said representation has not been considered by the respondents, the petitioner has come forward with the present Writ Petition.

4.Considering the facts and circumstances, the third respondent is directed to consider the representation of the petitioner, dated 26.09.2020 and pass appropriate orders in accordance with law, after hearing the petitioner and the persons who are likely to be affected including the fourth respondent. In case of issuance of patta, survey needs to be conducted and the said survey shall be photographed and videographed in the presence of the petitioner and the persons who are likely to be affected and the costs of photograph and Videograph to be borne by the party seeking patta. Such exercise shall be completed within a period of 90 days from the date of receipt of a copy of this order. It is made clear that this Court has not decided the rights of the parties in the present Writ Petition. It is open to the respondents to decide the same. The directions given in W.P(MD).No.7746 of 2020 batch, dated 23.09.2020 and W.P.(MD)No.13465 of 2020 dated 13.10.2020 should be followed wherever it is applicable.



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

Sd/-

Assistant Registrar (T&P)

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/ /2020
Sub Assistant Registrar(CS)

SRM

To

1. The District Collector,
Madurai District,
Madurai.
2. The Revenue Divisional Officer,
Melur Sub Division,
Othakadai,
Madurai.
3. The Tahsildhar,
Madurai North Taluk,
Madurai District.

+1 CC to Mr.R.SHANKAR GANESH, Advocate SR-22715.
+1 CC to the SPL GP SR-22987.

**W.P(MD)No.16647 of 2020
24.11.2020**

SSS(CO)
CS(11.12.2020) 3P 6C