



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **24.11.2020**

CORAM:

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

W.P (MD) No.16652 of 2020

P.Kaliappan

... Petitioner

Vs.

1.The Tahsildar,
Thirumangalam Taluk,
Madurai District.

2.The Zonal Deputy Tahsildar,
Thirumangalam Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to issue patta in the name of the petitioner and his daughters, namely, Jeyalakshmi, Vijayalakshmi and Eswari for the property bearing S.No.251/4 measuring 38 cents at Vadakarai Village, Thirumangalam Taluk, Madurai District, based on the petitioner's application dated 31.10.2020, within the time frame fixed by this Court.

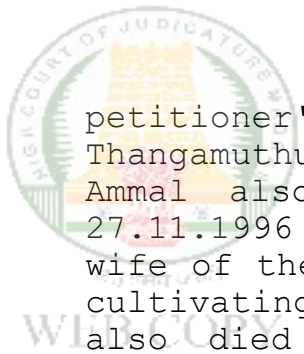
For Petitioner	: Mr.R.Subramanian
For respondents	: Mr.M.Pandiya Rajan
	Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus directing the respondents to issue patta in the name of the petitioner and his daughters, namely, Jeyalakshmi, Vijayalakshmi and Eswari for the property bearing S.No.251/4 measuring 38 cents at Vadakarai Village, Thirumangalam Taluk, Madurai District, based on the petitioner's application dated 31.10.2020, within the time frame fixed by this Court.

2.Heard the learned Counsel appearing for the petitioner and Mr.M.Pandiya Rajan, learned Additional Government Pleader, who took notice for the respondents. By consent, the writ petition is taken up for disposal at the admission stage itself.

3.The learned Counsel appearing for the petitioner would submit that the property measuring to an extent of 38 cents in Survey No.251/4 situated at Vadakarai Village, Thirumangalam Taluk, Madurai District was originally belonged to one Thangamuthu. The said Thangamuthu had mortgaged the property to the petitioner's mother by name Petchiammal on 05.03.1972. Thereafter, the



petitioner's mother had become the owner of the property as the said Thangamuthu died as bachelor and subsequently, his mother Meenatchi Ammal also died issueless. It is further submitted that on 27.11.1996 the petitioner's mother sold the said property to the wife of the petitioner and after purchase of the land, she had been cultivating in the said land. On 14.11.2018 the petitioner's wife also died leaving the petitioner and three daughters by name Jeyalakshmi, Vijayalakshmi and Eswari as her legal heirs. In the meanwhile, one P.Shanmugam filed a suit in O.S.No.158 of 1997 on the file of the District Munsif Court, Thirumangalam, for redemption of the mortgage claiming that he was a close relative of the said Meenatchi Ammal but the said suit was dismissed by a judgment and decree dated 19.01.2009. Similarly, another suit in O.S.No.319 of 1997 on the file of the District Munsif Court, Thirumangalam, by one Murugesan and others claiming that they are the close relatives of the said Meenakshi Ammal but the same suit was also dismissed and on appeal, the issue has reached finality by a judgment and decree dated 22.01.2020 in A.S.No.111 of 2017. Therefore, the petitioner had submitted an application on 31.10.2020 seeking issuance of patta based on the title deed. As the respondents have not considered the same so far, the petitioner has come forward with the present Writ Petition.

4. Considering the facts and circumstances, the first respondent is directed to consider the application of the petitioner, dated 31.10.2020 and pass appropriate orders in accordance with law, after hearing the petitioner and the persons who are likely to be affected. 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 three months 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.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

1.The Tahsildar,
Thirumangalam Taluk,
Madurai District.

2.The Zonal Deputy Tahsildar,
Thirumangalam Taluk,
Madurai District.

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-22759[F] dated 26/11/2020)

+1 CC to M/s.GP (SR-23003[F] dated 26/11/2020)

W.P (MD) No.16652 of 2020
24.11.2020

PU (CO)
AP (09/12/2020) 3P 5C