



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

W.P. (MD)No.17395 of 2020

WEB COPY

Innasiyammal

... Petitioner

-vs-

1.The District Revenue Officer,
Collectorate Campus,
Ramanathapuram, Ramanathapuram District.

2.The Revenue Divisional Officer,
Ramanathapuram Division,
Ramanathapuram District.

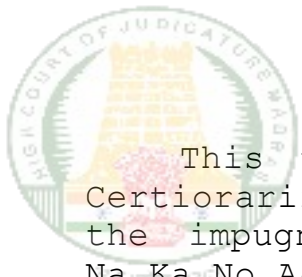
3.The Tahsildar,
Rajasingamangalam Taluk,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned communication issued by the third respondent in Na.Ka.No.A4/3631/2020, dated 12.1.2020 and to quash the same and consequently, direct the third respondent herein to transfer and issue patta in favour of the petitioner in respect of Survey Nos.160/2A of an extent of 0.02.50 hectares, (6.1/4 cents), Survey No.160/2B, of an extent of 0.13.00 hectares, (32 ¼ cents), Survey No.89/3B3 of an extent of 0.19.00 hectares (47 cents), S.No.89/4B1B of an extent of 0.12.50 hectares (31 cents), S.No.89/4B2 of an extent of 0.07.00 hectares (17 ½ cents), S.No.180/4 of an extent of 0.45.00 hectares, (1 Acre 11 ¼ cents), S.No.179/1 of an extent of 0.42.50 Hectares, (1 acre 5 cents), S.No.184/4K of an extent of 0.02.50 Hectares, (6 ¼ cents), S.No.187/1B of an extent of 0.18.00 Hectares (44 ½ cents), S.No.184/4 H house site to an extent of 2693 sq.feet., with a tiled house in door No.5/89 and S.No.184/4L2, house site to an extent of 2152 sq.feet., situated at Karungudi Village, Rajasingamangalam Taluk, Ramanathapuram District.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.K.P.Krishnadoss
Special Government Pleader



ORDER

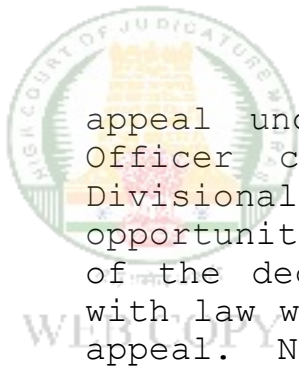
This writ petition is filed, seeking issuance of Writ of Certiorarified Mandamus calling for the entire records relating to the impugned communication issued by the third respondent in Na.Ka.No.A4/3631/2020, dated 12.1.2020 and to quash the same and consequently, direct the third respondent herein to transfer and issue patta in favour of the petitioner in respect of Survey Nos.160/2A of an extent of 0.02.50 hectares, (6.1/4 cents), Survey No.160/2B, of an extent of 0.13.00 hectares, (32 ¼ cents), Survey No.89/3B3 of an extent of 0.19.00 hectares (47 cents), S.No.89/4B1B of an extent of 0.12.50 hectares (31 cents), S.No.89/4B2 of an extent of 0.07.00 hectares (17 ½ cents), S.No.180/4 of an extent of 0.45.00 hectares, (1 Acre 11 ¼ cents), S.No.179/1 of an extent of 0.42.50 Hectares, (1 acre 5 cents), S.No.184/4K of an extent of 0.02.50 Hectares, (6 ¼ cents), S.No.187/1B of an extent of 0.18.00 Hectares (44 ½ cents), S.No.184/4 H house site to an extent of 2693 sq.feet., with a tiled house in door No.5/89 and S.No.184/4L2, house site to an extent of 2152 sq.feet., situated at Karungudi Village, Rajasingamangalam Taluk, Ramanathapuram District.

2.Heard the learned Counsel appearing for the petitioner, Mr.K.P.Krishnadoss, learned Special Government Pleader, who took notice for the respondents. By consent of both parties, the Writ Petition is disposed of at the admission stage itself.

3.The petitioner is the wife of Late.Mr.Sebasthiyan, who had purchased the land comprised in the aforesaid survey numbers. The third respondent had also issued patta in favour of him and he executed a Will on 20.11.2017 in favour of his wife/the petitioner herein during his life time. On 21.03.2018, the petitioner's husband died and subsequently, the petitioner became the absolute owner of the property as per the Will. Thereafter, the petitioner made a request to issue patta in her name to the respondents on 05.10.2020 and also applied for transfer of patta through online mode on 17.11.2020. But, the third respondent without providing any opportunity to the petitioner, had rejected the said request on the reason that the WILL produced by the petitioner was an unregistered one. Challenging the same, the present writ petition has been filed.

4.Under Section 12 of the Patta Passbook Act, there is an efficative statutory alternative remedy available against any order passed by the Tahsildar concerned, before the concerned Revenue Divisional Officer.

5.In view of the same, no relief can be granted as such to othe petitioner in this Writ Petition. However, this Writ Petition is disposed of with liberty to the petitioner to file an



appeal under Patta Passbook Act before the Revenue Divisional Officer concerned and if any appeal is filed, the Revenue Divisional Officer is directed to dispose the same, after affording opportunity of hearing to the petitioner including the legal heirs of the deceased and any other interested persons, in accordance with law within a period of 60 days from the date of filing of the appeal. No costs.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

rmk

To

1.The District Revenue Officer,
Collectorate Campus,
Ramanathapuram, Ramanathapuram District.

2.The Revenue Divisional Officer,
Ramanathapuram Division,
Ramanathapuram District.

3.The Tahsildar,
Rajasingamangalam Taluk,
Ramanathapuram District.

+2 CC to Mr.S. MUTHUKUMAR, Advocate (SR-23743[F] dated 02/12/2020)

+1 CC to SGP (SR-23921[F] dated 03/12/2020)

W. P (MD) No. 17395 of 2020

02.12.2020

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