



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **14.12.2020**

CORAM:

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

W.P(MD)No.18343 of 2020

V.Kanimozhi

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Paramakudi Taluk,
Ramanathapuram District.

2.The Tahsildar,
Office of the Tahsildar,
Paramakudi Taluk,
Ramanathapuram 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 petitioner's name in the land in survey No.594/7, to an extent of 0.0480 situated at Kamuthakudi Village and Post, Paramakudi Taluk, Ramanathapuram District in accordance with law on the basis of the petitioner's representation dated 30.11.2020 within the time stipulated by this Court.

For Petitioner : Mr.I.Sabeer Mohamed

For Respondents : Mr.M.Pandiya Rajan
Additional Government Pleader

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, to direct the respondents to issue patta in the petitioner's name in the land in survey No.594/7, to an extent of 0.0480 situated at Kamuthakudi Village and Post, Paramakudi Taluk, Ramanathapuram District in accordance with law on the basis of the petitioner's representation dated 30.11.2020 within the time stipulated by this Court.

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



3. Mr.M.Pandiya Rajan, learned Additional Government Pleader accepts notice on behalf of the respondents.

4. The case of the petitioner is that the property in Survey No.594/7 to an extent of 0.0480 at Kamuthakudi Village, Paramakudi Taluk, Ramanathapuram District was purchased by the petitioner's mother from one Vaithiyam Rama. Since one, Narayanan is trying to grab the said property, the petitioner's mother along with two persons had filed a suit in O.S.No.321 of 1973 before the District Munsif Court, Manamadurai and the suit was decreed in favour of the petitioner's mother. Challenging the same, the said Narayanan and his brother filed an appeal in A.S.No.67 of 1975 before the Subordinate Court, Sivagangai and the same has been dismissed on 16.07.1976 and the above said property is in possession and enjoyment of the petitioner and his family members from 1973 to till date. Thereafter, the petitioner's mother sent representations dated 06.06.2016 and 08.03.2017 to issue patta in her name. But there was no action upon her representation. Lastly, on 09.10.2017, she received a communication from the first respondent in which it is stated that the first respondent directing the second respondent to issue patta in her name. But the authorities failed to take action as per the said communication. Thereafter, the petitioner's mother had executed a gift Will in favour of the petitioner and the same has been registered on the file of the Sub Registrar Office, Paramakudi, Ramanathapuram District. In the meantime, the petitioner's mother, namely, Saraswathiammal passed away on 06.09.2018. Therefore, the petitioner approached the authorities to issue patta in the name of the petitioner and also paid necessary fees. Since no action has been taken so far, the petitioner has approached this Court with this writ petition.

5. The learned Special Government Pleader would submit that other legalheirs objecting the same and without hearing them, the authorities cannot take any decision.

6. Though the petitioner has stated except her, there is no other legalheirs to her mother Saraswathiammal as per the registered Will, the respondents/authorities can verify the genuineness of the submission made by the petitioner as well as the registered Will from the Sub Registrar Office as to whether there is any registered Will and thereafter, after hearing the petitioner and the other legalheirs, take a decision in the issue in question. This Court makes it very clear that no adverse order is passed against the other legalheirs of the deceased Saraswathiammal, in this writ petition. As the entire issue to be decided by the authorities concerned, the authorities shall take a decision in the issue in question, in accordance with law, within a period of 120 days from the date of receipt of a copy of this order after affording opportunity to the petitioner as well as the other legalheirs and the persons, who are likely to be affected or the interested



7. With the above direction, this Writ Petition stands disposed of. No costs.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar (Records)

/ /2021

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,
Office of the Revenue Divisional Officer,
Paramakudi Taluk,
Ramanathapuram District.

2.The Tahsildar,
Office of the Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

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PU (CO)

NR (18/01/2020) 3P : 3C