



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.01.2020
CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P. (MD) No. 17923 of 2015

WEB COPY

M.Murugavalli

... Petitioner

vs.

1.The Tahsildar,
Tahsildar Office,
Mudhukulathur, Ramanathapuram District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Paramakudi, Ramanathapuram District.

3.The Assistant Director (Survey),
Collectorate Complex,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to dispose of the petitioner's representation, dated 31.07.2015 and receipt number of Application No.9549 to issue the patta in favour of the petitioner from the ancestral property of the petitioner's mother, father, grand father and grand mother residing at 13th Ward, East Car Street, Mudhukulathur, Ramanathapuram District within the time frame that may be fixed by this Court.

For Petitioner : Mr.M.Muniasamy

For Respondents : Mr.C.Ramar

Additional Government Pleader

O R D E R

This Writ Petition is filed for issuing a Writ of Mandamus to direct the first respondent to dispose of the petitioner's representation, dated 31.07.2015 regarding grant of patta in favour of the petitioner in respect of the residential house bearing D.No.13/29, East Car Street, Mudhukulathur, Ramnathapuram District.

2.It is stated that the properties in S.No.193/1F in Mela Mudhukulathur Village, in S.Nos.194-2A, 194-8A2 and 195-2 in Mudhukulathur Village and some other properties are the ancestral properties of the petitioner. The petitioner submitted a representation to the first respondent for grant of patta by stating that he is the only surviving legal heir of his ancestors, named in the representation. The relief claimed by the petitioner is too general without specifying the name of his ancestor with reference



to each property. The Legal Heirship Certificate shows that the petitioner is a heir along with her mother, in whose name patta also stands. The petitioner, who claims exclusive ownership, has not impleaded her mother.

3. Having regard to the fact that the prayer in the representation of the petitioner and in the Writ Petition is not supported by the facts admitted, the learned Counsel for the petitioner states that the petitioner will be satisfied, if a direction is issued to the first respondent to consider the petitioner's representation, dated 31.07.2015.

4. Having regard to the limited scope of prayer, that is now sought before this Court by the learned Counsel for the petitioner, this Court, without going into the merits of the representation of the petitioner, is inclined to issue the following directions:

"4.1. The first respondent is directed to consider the petitioner's representation, dated 31.07.2015 on the basis of existing revenue records and to conduct enquiry, as to the genuineness of the petitioner's claim, as sole legal heirs of the pattathars, in respect of various survey numbers referred to in the petitioner's representation. The petitioner's mother should also be enquired. In case of any other rival claim, the first respondent is directed to give full opportunity to the petitioner as well as any other persons, whose rival claim is supported by documents. After holding an enquiry, the first respondent is directed to pass appropriate orders on merits and in accordance with law. The entire exercise shall be undertaken by the first respondent within a period of three months from the date of receipt of a copy of this order."

5. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Cmr

To

1. The Tahsildar,
Tahsildar Office,
Mudhukulathur,
Ponnani Taluk, District.

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



2.The Revenue Divisional Officer,
Revenue Divisional Office,
Paramakudi, Ramanathapuram District.

3.The Assistant Director (Survey),
Collectorate Complex,
Ramanathapuram District.

+1 CC to SPL.GP (SR-3731[F] dated 29/01/2020)

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MK (17.02.2020) 3P 5C