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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2021

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.NO. 15352 OF 2021

Santhamma

...Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Commissioner of
Land Administration,
Ezhilaham, Chepauk, Chennai - 600 005.
2. The Commissioner of Land
Survey & Records Department,
Ezhilaham, Chepauk, Chennai - 600 005.
3. The District Collector,
Krishnagiri District.
4. The District Revenue Officer,
Krishnagiri District.
5. The Tahsildar,
Shoolagiri Taluk - 635 105
Krishnagiri District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondents 4 & 5 to consider the petitioner's representation dated 28.10.2020 for issuance of patta in the name of the petitioner for the lands measuring about 20 cents in survey No.231/5 situated in A.Chettipali Village, Shoolagiri Taluk, Krishnagiri District.

For Petitioner .. Ms.R.Divyapreathika

For Respondents .. Mr.Yogesh Kannadasan
Govt.Advocate



ORDER

The writ petition has been filed in the nature of a Mandamus seeking a direction against the respondents 4 & 5/The District Revenue Officer, Krishnagiri District and The Tahsildar, Shoolagiri Taluk in Krishnagiri District, to consider the representation of the petitioner dated 28.10.2020 for issuance of patta in the name of the petitioner for the lands measuring about 20 cents in survey No.231/5 at A.Chettipali Village, Shoolagiri Taluk, Krishnagiri District.

2.It has been stated that the said lands originally belonged to Lakshmakka, who obtained the same by an order of assignment granted by Tahsildar, Hosur vide proceedings dated 24.07.1987. She is the mother-in-law of the present petitioner herein. She made a family arrangement vide deed of Mutchallika dated 24.11.1995 and the husband of the petitioner Muniraj came to possess the land. Lakshmakka died on 05.03.2001. Thereafter, disputes arose between the legal heirs of Lakshmakka. A suit was filed with respect to the said lands for declaration of title in O.S.No.116 of 2015 on the file of the District Munsif-cum-Judicial Magistrate No.1, Hosur and the suit was decreed in favour of Muniraj/the husband of the petitioner. The decree had also been registered as document No.2027 of 2016 on the file of the Sub Registrar, Shoolagiri on 09.05.2016. The husband of the petitioner wanted to settle the lands measuring an extent of 15 cents in survey No.230/4A and 20 cents in Survey No.231/5 in favour of the petitioner but the Sub Registrar, Shoolagiri refused to complete the registration and to release the document. The petitioner was not able to get the patta in survey No.231/5. Hence, a representation has been given in this connection on 28.10.2020 by the petitioner.

3.Heard Ms.R.Divyapreathika, learned counsel appearing for the petitioner as well as Mr.Yogesh Kannadasan, learned Government Advocate appearing for the respondents.

4.A direction is issued to the 5th respondent viz., The Tahsildar, Shoolagiri Taluk, Krishnagiri District, to examine the representation and issue notice to the petitioner herein and thereafter, consider her representation dated 28.10.2020 and decide whether any order can be granted in favour of the petitioner for issuance of patta and if so, grant the same to the petitioner. The said exercise should be completed within a period of 12 weeks from the date of receipt of copy of this order.



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

s/d
Assistant Registrar (CS IV)

True Copy

Sub-Assistant Registrar

sms

To

1. The Commissioner of
Land Administration,
The State of Tamil Nadu,
Ezhilatham, Chepauk, Chennai - 600 005.
2. The Commissioner of Land
Survey & Records Department,
Ezhilatham, Chepauk, Chennai - 600 005.
3. The District Collector,
Krishnagiri District.
4. The District Revenue Officer,
Krishnagiri District.
5. The Tahsildar,
Shoolagiri Taluk - 635 105
Krishnagiri District.

+1cc to Mr. R. Bharathkumar, Advocate, SR.No.37612

+1cc to Government Pleader, SR.No.38485

W.P.No. 15352 of 2021

BS (CO)
PM (03/09/2021)