



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.16711 OF 2021

Minor Abishik

Represented by his mother Krishnaveni

... Petitioner

Versus

1. The District Collector
Dharmapuri District,
Dharmapuri.

2. The Tahsildar,
Pennagaram Taluk,
Dharmapuri District.

3. The Taluk Surveyor,
Pennagaram Taluk,
Dharmapuri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to issue Patta in favour of the petitioner's minor son Abishik in Survey No.490/8 and 491/8 measuring an extent of 98.8 cents, Onnappagoundanahalli Village, Pennagaram Taluk, Dharmapuri District based on the petitioner's application dated 06.11.2020.

For Petitioners : Mr.M.Selvam.

For Respondents : Mr.Yogesh Kannadasan.
Government Advocate.

ORDER

This writ petition has been filed for issuance of direction to the respondents to issue Patta in favour of the petitioner's minor son Abishik in Survey No.490/8 and 491/8 an extent of 98.8 cents, Onnappagoundanahalli Village, Pennagaram Taluk, Dharmapuri District based on the petitioner's application dated 06.11.2020.

2. The case of the petitioner is that petitioner's mother



is physically handicapped and she is working as a teacher in Government School, Pallakollai, Dharmapuri District. Her father-in-law is having land in possession measuring to an extent of 98.8 cents in S.Nos.490/8 and 491/8 and Patta No.952 in Onnappagoundanahalli Village, Pennagaram Taluk, Dharmapuri District. Her husband R.Panneerselvam took care of her father-in-law namely Ramar, in turn, he has executed a Gift Deed in favour of her minor son Abishik registered as Document No.195 of 2016 on the file of Sub-Registrar (West), Dharmapuri District and there was no dispute regarding the property, and the petitioner is in absolute possession and enjoyment of the property. Further, there is no dispute as to boundary and her father-in-law also gave no objection to transfer the patta, the patta in the name of her minor son Abishik. However, the petitioner decided to put up a fencing around the aforesaid land. Hence, the petitioner sent a representation dated 06.11.2020 before the respondents to transfer the Patta of Revenue Records and the petitioner has also paid necessary charges to carry out the same. After receiving the said representation, the respondents have not taken any steps on the petitioner's representation dated 06.11.2020 till date. Hence, the petitioner has come forward with the present writ petition under Article 226 of the Constitution of India.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the 1st respondent to consider the petitioner's representation dated 06.11.2020 and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the 1st respondent to consider the petitioner's representation dated 06.11.2020 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity to the parties concerned within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar



To

1. The District Collector
Dharmapuri District,
Dharmapuri.
2. The Tahsildar,
Pennagaram Taluk,
Dharmapuri District.
3. The Taluk Surveyor,
Pennagaram Taluk,
Dharmapuri District.

+1cc to Mr.M.Selvam, Advocate, S.R.No.47288
+1cc to the Government Pleader, S.R.No.47178

W.P.No.16711 of 2021

RSI (CO)
CS/12/10/2021