



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

CORAM:

WEB COPY

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.19693 of 2021

and

W.M.P.No.21806 of 2021

1. M.Balaguru.

2. A.Rajalakshmi.

...Petitioners

Vs.

The Special Tashildar,
Taluk Office,
Attur, Salem District.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 26.12.2020 and consequently, direct the respondent to grant joint patta in his favour and legal heirs of his brother's wife Rajalakshmi namely 2nd petitioner herein and their minor son S.Nagahariharan.

For Petitioners : Mr.E. Kannadasan

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 26.12.2020 and consequently, direct the respondent to grant joint patta in his favour and legal heirs of his brother's wife Rajalakshmi namely 2nd petitioner herein and their minor son S.Nagahariharan.

2. The case of the petitioners is that his mother by name Lakshmibai purchased the land in Survey No.54/18 measuring to an extent of 777 Sq.ft situated at Old No.772, New No.307, Cuddalore Main Road, Attur Town, Salem District, from one Santhabai, W/o.Chakkrabani by way of registered as Document No.1986/1986, dated 10.11.1986 on the file of Sub Registrar



Office, Attur. After purchasing the aforesaid land, the petitioner's mother sent a representation to the respondent requesting to him for transferring the Patta in her favour. After scrutinizing the documents, the respondent sent a letter to the petitioner's mother vide proceedings in Na.Ka.611/3642/2010A2, dated 20.09.2010 directing the office to change the patta in her name. During her lifetime, she executed a Will in favour of the 1st petitioner and his brother namely Sridharkumar registered as Document No.65/2010 dated, 24.10.2010 on the file of Sub-Registrar, Attur. Subsequently she died on 13.10.2018. After the demise of his mother, the petitioner along with his brother were in possession and enjoyment of the property. Consequently, the petitioner's brother also died intestate on 08.09.2020 leaving behind his wife, the 2nd petitioner herein and his minor son S.Nagahariharan and they are having entitled the share of his brother. Moreover, the death certificate of the petitioner's mother, legal heir certificate of his brother were also enclosed for perusing the said authorities and requesting for grant of Joint Patta including the minor son S.Nagahariharan. After receiving the death certificate and legal heir certificate of his brother, he along with his brother's legal heirs approached the respondent requesting them to give Joint Patta to him and the legal heir of his brother namely 2nd petitioner and his minor son by name S.Nagahariharan, but the respondent has refused to receive the representation due to Covid-19 pandemic situation, and the petitioner was directed to drop the representation in the drop box, but no proper reply was given by the respondent. Therefore, the petitioner sent a representation dated 26.12.2020 before the respondent requesting for grant of Joint Patta. After receiving the said representation, the respondent has not taken any steps in this regard. Hence, the petitioner has come forward with the present writ petition.

3. The learned counsel appearing for the petitioners submit that the petitioners will be satisfied if a direction is issued to the respondent to consider the petitioners representation dated 26.12.2020 and consequently, direct the respondent to grant joint patta in his favour and the legal heirs of his brother's wife Rajalakshmi namely 2nd petitioner herein and their minor son S.Nagahariharan.

4. Heard, learned counsel appearing for the petitioners and learned Government Advocate appearing for the respondent and perused the materials available on record.

5. 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 respondent to consider the petitioner's representation dated 26.12.2020 and pass appropriate orders, on merits and in accordance with law, after an affording to the petitioner within a period of sixteen weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

gba/msm

To

The Special Tashildar,
Taluk Office,
Attur, Salem District.

+1cc to Mr.E.Kannadasan, Advocate, S.R.No.49414
+1cc to the Government Pleader, S.R.No. 50085

W.P.No.19693 of 2021

KG(CO)
GN(26/10/2021)