



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08..07..2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.19467 of 2019

Ammani

... Petitioner

-Versus-

The Tahsildar,
Rasipuram Taluk,
Namakkal District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondent to include the name of the petitioner in Patta No.237 for the land comprised in S.F.No.114/4 and 115/4 of Ayilpatti Village, Rasipuram Taluk, by exercising power under Section 10 of The Patta Pass Book Act and considering petitioner's application for mutation dated 22.03.2018 and reminder dated 18.06.2018 to the District Revenue Officer, Namakkal.

For Petitioner : Mr.R.Prabakar

For Respondent(s) : Mr.Yogesh Kannadasan,
Government Advocate

ORDER

[This matter has been heard through video conference]

This writ petition has been filed seeking a direction to the respondent to consider the application of the petitioner dated 22.03.2018 seeking mutation and and to include the name of the petitioner in Patta No.237 in respect of the land comprised in S.F.No.114/4 and 115/4 of Ayilpatti Village, Rasipuram Taluk.

2. The petitioner claims to be the absolute owner of the property measuring an extent of 2.0 ½ Acres comprised in S.F.Nos.114/4 and 115/4 of Ayilpatti Village, Rasipuram Taluk, having inherited by way of a family partition. According to her, she has been in possession of the property in question as her separate property. However, patta for the said property was wrongly issued in the name of her husband. Subsequently, her husband died. In those circumstances, she made an application to the respondent seeking mutation of patta in her name. The



grievance of the petitioner is that her request for mutation has not yet been considered. Hence, the present writ petition.

3. Heard both sides and also perused the records carefully.

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4. It is specifically pleaded by the petitioner that she is the absolute owner of the property having inherited through registered partition dated 10.09.1972 and her husband is no more. As of now, the patta stood in the name of her husband - Poomalai Udaiyar, who is no more. In view of the above facts and circumstances of the case, without going into the merits of the claim, this court, directs the respondent to consider the application of the petitioner dated 22.03.2018 seeking mutation of patta in her name in respect of the above said property and pass suitable orders thereof after giving notice to the petitioner. The respondent is further directed to issue such notice to the petitioner within a period of two weeks from the date of receipt of a copy of this order. On receipt of such notice, the petitioner is directed to appear before the Tahsildar and produce all the documents in support of her claim of title and the respondent is directed to complete the enquiry and pass appropriate orders on the application of the petitioner on merits and in accordance with law as expeditiously as possible, at any rate, within within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is disposed of accordingly with the above directions. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True copy//

Sub Assistant Registrar

kmk

To

1.The Tahsildar, Rasipuram Taluk, Namakkal District.

+1cc to Mr.R.Prabakar, Advocate SR.No.32195

+1cc to Government Pleader SR.No.32601

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PCH(CO)

GMV(02/08/2021)