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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.23059 of 2019

Fathima

... Petitioner

Vs

1. The District Collector,
Perambalur,
Perambalur District.
2. The Tashildar,
Perambalur,
Perambalur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1&2 to consider the petitioner's representation dated 24.06.2019 and 21.06.2019 to issue joint patta.

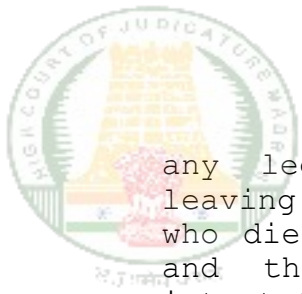
For Petitioner : Mr.Veerakumar. D
For Mr. V.Elango

For Respondents : Mr.V.Veluchamy
Government Advocate.

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 24.06.2019 and 21.06.2019 to issue joint patta.

2. The case of the petitioner is that her husband's grandfather namely Chinnamuthu possessed land in Survey No.314/1-Ac2.18 Cents (sub divisions) 314/1A-0.21Ares, 314/1-0.67 Ares, 395/1-AC 2.07 Cents (UTR 0.835 and 444 Acre 1.22 Cents (as per UTR 0.49.00 Ares) comprised and situated at Siruvachur Village. After his demise, his legal heirs 1. Lakshmanan, 2. Elayathambi (the father of the petitioner's husband), 3. Arumugam and 4.Ganapathy. Be that as it may, the above-said Lakshmanan did not marry who died 28.07.1970 without



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any legal heirs, Elayathambi died intestate on 13.05.1977 leaving behind one Thanigasalam, the petitioner's husband herein who died intestate on 26.08.2014 leaving behind a son, daughter and the petitioner herein. The above said Arumugam died intestate on 10.03.2003 leaving behind his wife Chellamal and Daughter Kanakambikai as his legal heirs and Ganapathy also died intestate on 30.05.1987 leaving behind his son Ganesan who also passed away on 27.10.2017 leaving behind his wife Poomani, a son namely Suresh Kumar and daughters namely Chitra and Annalakshmi respectively. However, in Survey No.345/1, Acre 2.07 Cents and Survey No.314/1 Acre 2.18 cents comprised in Patta No.300, which was standing in the name of Lakshmanan, Ganapathy, son of Chinnamuthu, was arrived under the classification of Pasali JP 82/1394. While so, one Dhanalakshmi, wife of Periyasamy, who is no way connected with the above said properties, impleaded herself in joint Patta No.300 with the help of Revenue Authority. In the meanwhile, one Pitchaiammal, Wife of Arumugam, Dhanalakshmi, wife of Periyasamy made a sub division in the Survey No.314/1 Acre 2.18 Cents as Survey No.314/1A-0.21 Ares and Survey No.314/1B-0.6 Ares of which the above said Pichaimmal encroached the Survey No.314/1A-0.21 Ares and Dhanalakshmi encroached Survey No.314/1B-0.6 Ares. Thereafter, one Subramani, son of Solamuthu filed a petition before the District Revenue Officer/3rd respondent to transfer the patta 1161 measuring to an extent of 0.83.5 hectare comprised in 395/1, he made no objection to transfer the patta in favour of Padmavathi, W/o. Nandakumar. The above said Pitchaiammal and Dhanalakshmi, both are not related to the Survey No.314/1 and 314/1B respectively. Hence, the petitioner gave representations dated 21.06.2019 and 24.06.2019 to the respondents 1&2 to cancel the patta issued in favour of the above said persons and issued the same in favour of the legal heirs of Chinnamuthu in Survey No.444/4 comprised 0.49.0 and Survey No.314/1 0.88 Ares (Acre 2.18 Cents), but, till date, no action has been taken by the respondents. 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 respondents 1&2 to consider the petitioner's representation dated 24.06.2019 and 21.06.2019 to issue joint patta and dispose of the same within a time 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 respondents to consider the petitioner's representations dated 24.06.2019 and 21.06.2019 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

msm

To

1. The District Collector,
Perambalur,
Perambalur District.
2. The Tashildar,
Perambalur,
Perambalur District.

+1cc to Mr. V.Elango, Advocate, S.R.No.55685
+1cc to the Government Pleader, S.R.No.56675

W.P.No.23059 of 2019

PCH(CO)
CT 03/12/2021