

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 27528 of 2018

Shivamma

... Petitioner

-vs-

1. The District Collector,
Erode District,
Erode.
2. The District Revenue Officer,
Erode District,
Erode.
3. The Revenue Divisional Officer,
Gopichettipalayam,
Erode District.
4. The Tahsildar,
Talavadi Taluk,
Erode District.
5. The Taluk Head Surveyor,
Thalavadi Taluk,
Thalavadi, Erode District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents 1, 3 and 4 to dispose of the petitioner's representation dated 04.01.2018, submitted with regard to survey and issue Patta to the in S.No.86 (Old S.Nos.42/4, 42/3), an extent of 0.60.00 hectares in S.No. 85/5 (Old S.No.23/2), S.No.42/1 and extent of 1.60.00 hectares in S.No.47/1 (Old) in all totaling an extent of 1.81.00 hectares, in Neithalapuram Village, Thalavadi Taluk, Erode District.

For Petitioner : Mr.V.Logeswaren

For Respondents : Mr.N.Inbanathan
Additional Government Pleader

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondents 1, 3 and 4 to dispose of the petitioner's representation dated 04.01.2018, submitted with regard to survey and issue Patta to the petitioner's land properties of an extent of 0.15.00 hectares in S.No.86 (Old S.Nos.42/4, 42/3), an extent of 1.60.00 hectares in S.No. 47/1 (Old S.No.23/2), in all totaling an extent of 1.81.00 hectares, in Neithalapuram Village, Thalavadi Taluk, Erode District.

2. The petitioner's grievance appears to be that, in respect of the land at S.No.86, Old S.Nos.42/4, 42/3 and 85/5, Old S.No.42/1, Patta No.120, S.No.47/1 (Old S.No.23/2) the same since is claimed to have been inherited by the petitioner by way of settlement of her husband, she wanted to change the name of the Patta in Patta No.120, where, the petitioner's husband name is already entered. In this regard, for change of name in the Patta, she has given a representation to the respondents on 04.01.2018 and the same since has not been considered so far, the petitioner has approached this Court with the aforesaid prayer.

3. Heard Mr.V.Logeswaren, learned counsel appearing for the petitioner who has reiterated the same and seeks indulgence of this Court.

4. Heard Mr.N.Inbanathan, learned Additional Government Pleader appearing for the respondents who would submit that, though the petitioner's representation seeks only with regard to the change of the name in the Patta, the petitioner has made a larger prayer in the Writ Petition seeking to survey the land.

5. Therefore, the learned Additional Government Pleader appearing for the respondents would submit that, what has been asked by the petitioner by way of representation dated 04.01.2018 would be considered on merits and a decision would be taken within a time frame, he contended.

6. I have considered the submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

7. Even though such a prayer was sought for in this Writ Petition, to survey the land as already been asked for, the petitioner has not asked the said relief by way of her representation dated 04.01.2018, instead, since she has asked the respondents to change the name in the Patta in respect of Patta No.120 which is the subject land, this Court is inclined to dispose of this Writ Petition with the following orders:

"That there shall be a direction to the fourth respondent / Tahsildar to consider the representation of the petitioner dated 04.01.2018, which is in fact addressed to the first respondent / District Collector and pass orders thereon on merits and in accordance with law with regard to the plea of the petitioner for change the name in favour of the petitioner in Patta No.120 in respect of the subject land within a period of twelve weeks from the date of receipt of a copy of this order. A copy of the representation shall be forwarded by the petitioner to the fourth respondent along with the copy of this order"

8. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

vji

To

1. The District Collector,
Erode District,
Erode.
2. The District Revenue Officer,
Erode District,
Erode.
3. The Revenue Divisional Officer,
Gopichettipalayam,
Erode District.
4. The Tahsildar,
Talavadi Taluk,
Erode District.
5. The Taluk Head Surveyor,
Thalavadi Taluk,
Thalavadi, Erode District.

+1cc to the Government Pleader, S.R.No.23400

W.P. No. 27528 of 2018

PCH(CO)
CB(21/05/2021)



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