



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8198 of 2021

Saraswathi Ammal

...Petitioner

Vs.

1.The Additional District Magistrate
cum the District Revenue Officer,
O/o. District Revenue Officer,
Ramanathapuram.

2.The Sub Collector cum
the Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Ramanathapuram.

3.The Thasildar,
Ramanathapuram Taluk,
Ramanathapuram District.

4.Padmavathi Ammal

5.Syed Ameer Ali

... Respondents

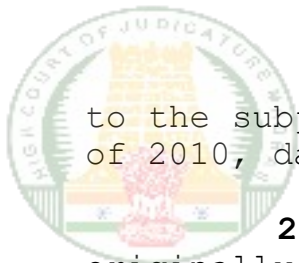
Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the third respondent to issue patta in Survey No.144/1, located at Servaikaran Urani Village in Atrangarai Group at Ramanathapuram District, in favour of the petitioner as per the decree of the learned District Munsif at Rameswaram in O.S.No.112 of 2010, dated 22.12.2010, within a stipulated time prescribed by this Court.

For Petitioner : Mr.S.A.S.Alaudeen

For R1 to R3 : Mr.P.Mahendran
Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the third respondent to consider the representation made by the petitioner on 22.12.2010, wherein, the petitioner is seeking for issuance of patta in her name with respect



to the subject property in line with the Decree passed in O.S.No.112 of 2010, dated 22.12.2010, by the District Munsif Court, Rameswaram.

2. The case of the petitioner is that the subject property originally belonged to the petitioner, fourth respondent and her brothers and they inherited the property from their father. Thereafter, the fourth respondent instituted a partition suit in O.S.No.349 of 2004, before the District Munsif Court, Ramanathapuram. This suit was later transferred to the file of the District Munsif Court, Ramanathapuram and renumbered as O.S.No.112 of 2010. The petitioner was also one of the party in the said suit. The suit came to be decreed by the Judgment and Decree, dated 22.12.2010 and the shares were allotted in favour of all the legal heirs.

3. The petitioner, thereafter, filed a petition in I.A.No.36 of 2013, for passing of the final decree and by an order dated 26.06.2014, a final decree was passed and consequently, the petitioner and the fourth respondent were allotted six acres of land in Survey No.144/1.

4. The petitioner, thereafter, made an application before the third respondent seeking for a separate patta in her favour. After enquiry, the third respondent through proceedings, dated 26.04.2016, issued a joint patta in favour of the petitioner, fourth respondent and the fifth respondent.

5. An appeal was filed before the second respondent and the second respondent through proceedings, dated 26.08.2020, set aside the order passed by the third respondent.

6. The petitioner, thereafter, made an application seeking for separate patta for the property that was allotted in favour of her and the fourth respondent. The first respondent, through a letter, dated 07.10.2020, had directed the third respondent to consider the same and pass orders. The grievance of the petitioner is that the third respondent has not acted upon the representation and also directions issued by the first respondent. Left with no other alternative, the present Writ Petition has been filed before this Court seeking for appropriate directions.

7. Heard Mr.S.A.S.Alaudeen, learned Counsel appearing on behalf of the petitioner and Mr.P.Mahendran, learned Additional Government Pleader appearing on behalf of the respondents 1 to 3.

8. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the third respondent to act upon the directions issued by the first respondent, through letter dated 07.10.2020 and pass appropriate orders on its own merits and in accordance with law, within a period of six (6) weeks from the date



of receipt of a copy of this order. If there are any other interested parties claiming right over the property, they shall also be issued with notice and an opportunity shall also be given to them.

9. The petitioner is directed to make a fresh representation to the third respondent along with all the relevant documents and also a copy of this order.

10. This Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1.The Additional District Magistrate
cum the District Revenue Officer,
O/o. District Revenue Officer,
Ramanathapuram.

2.The Sub Collector cum
the Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Ramanathapuram.

3.The Thasildar,
Ramanathapuram Taluk,
Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-16940[F] dated 21/04/2021)

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

Order made in

W.P. (MD) .No.8198 of 2021

Dated:20.04.2021

SDS (11.05.2021) 3P 5C

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