



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **15.04.2021**

CORAM

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

W.P. (MD)No.7763 of 2021

K.Gajendran

.. Petitioner

Vs.

1.The District Revenue Officer,
Thanjavur District,
Thanjavur.

2.The Thasildar,
Thanjavur [01] Taluk,
Thanjavur District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents herein to grant patta in favour of the petitioner in [Old S.Nos.6/6A1], New S.No.99, measuring 8260 sq. feet., and [Old S.No.6/6A1], New S.No.100, measuring 1488 sq.feet., at Rajarajan Nagar, Pudupattinam Vattam, Thanjavur Taluk.

For Petitioner : Mr.G.Karnan
For Respondents : Ms.M.Rajeswari,
Government Advocate.

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to consider the application submitted by the petitioner on 05.10.2020, wherein the petitioner has sought for the transfer of patta in his name with respect to the subject property.

2. The case of the petitioner is that the subject property was originally owned by his mother, who got the right by virtue of a Will dated 04.01.2000. According to the petitioner, patta was also granted in her favour in patta No.255. Thereafter, she is said to have executed a settlement deed in favour of her elder daughter. The mother of the petitioner died on 22.04.2014. The elder daughter in whose favour the property was settled also died on 17.12.2017. It is claimed that she is unmarried. The legal heirship certificate filed in the typed set of papers shows that the petitioner, his brother and his sister are the legal heirs, who are entitled to inherit the subject property.



3. The petitioner made an application on 05.10.2020, to the second respondent seeking for patta with respect to the subject property. Since, the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate direction.

WEB COPY

4. Heard Mr.G.Karnan, learned counsel for the petitioner and Ms.M.Rajeswari, learned Government Advocate appearing on behalf of the respondents.

5. When the matter was taken up for hearing, this Court posed a question to the learned counsel for the petitioner as to how the petitioner can seek for a patta exclusively in his name, when admittedly, there are two other legal heirs, who are entitled to inherit the subject property. The learned counsel for the petitioner submitted that there is absolutely no dispute among the legal heirs in inheriting the property and there can be a direction to the second respondent to consider the grant of a joint patta in the name of the petitioner and two other legal heirs.

6. Recording the submissions made by the learned counsel for the petitioner and after taking into consideration the facts and circumstances of the case, there shall be a direction to the second respondent to act upon the application submitted by the petitioner on 05.10.2020 and deal with it as a joint application filed by the petitioner and two other legal heirs and pass orders strictly in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order.

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

8. This Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (RTI ACT)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsm

In view of the present lock down owing to COVID-19
Note : 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.



To

1.The District Revenue Officer,
Thanjavur District,
Thanjavur.

2.The Thasildar,
Thanjavur [01] Taluk,
Thanjavur District.

+1 CC to M/s.G.KARNAN, Advocate (SR-15922[F] dated 16/04/2021)

+1 CC to M/s.SPL GP (SR-16002[F] dated 16/04/2021)

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RK (28.04.2021) 3P 5C