



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8129 of 2021

Karuppayee @ Ponnammal

...Petitioner

Vs.

1. The District Collector,
Sivagangai District, Sivagangai.

2. The Revenue Divisional Officer,
Sivagangai District, Sivagangai.

3. The Tahsildar,
Kalayarkovil Taluk, Sivagangai District.

4. Shanthi

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to consider the petitioner's representation dated 07.10.2020 to change the patta for 1/3rd portion of the suit properties, namely, lands in Survey Nos.9/8, 164/3, 168/2D1, 215/18, 218/10 and 252/22, situated at Vembani Village, Marakkathur Village Group, Kalyarkoil Taluk, Sivagangai District and lands in Survey Nos.204/24, 207/4, 207/8, 212/11 and 234/10, situated at Vembani Village, Moovarkanmaai Village Group, Kalyarkovil Taluk, Sivagangai District in the name of the petitioner and issue the same to the petitioner at the earliest.

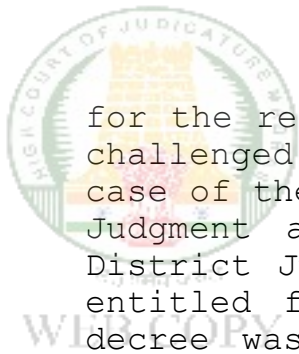
For Petitioner : Mr.V.Kannan

For Respondents : Mr.K.P.Narayana Kumar
Special 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 07.10.2020, wherein, the petitioner is seeking for patta in her name with respect to the 1/3rd portion that was allotted in her favour by the civil suit.

2. The case of the petitioner is that the subject properties became a subject matter before the Civil Court in O.S.No.123 of 2000, which was instituted by the petitioner seeking



for the relief of partition. In the said suit, the petitioner also challenged the alleged Will executed by her father. The further case of the petitioner is that the suit was decreed as prayed for by Judgment and Decree, dated 25.07.2001, by the learned Principal District Judge, Sivagangai and it was held that the petitioner was entitled for 1/3rd share in the properties. Thereafter, a final decree was drawn on 14.08.2003 and the portion belonging to the petitioner was also identified. It is stated that the petitioner filed an Execution Petition in E.P.No.113 of 2004 and the share belonging to the petitioner was also handed over to the petitioner.

3. The petitioner thereafter made representations to the respondents 1 to 3 seeking for issuance of patta in her name with respect to the properties allotted to her. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.V.Kannan, learned Counsel appearing on behalf of the petitioner and Mr.K.P.Narayana Kumar, learned Special Government Pleader appearing on behalf of the respondents 1 to 3.

5. 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 consider the representation made by the petitioner on 07.10.2020 and deal with the same on its own merits and in accordance with law and pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order. If there are any other interested parties claiming right over the subject property, they shall also be issued with notice and an opportunity shall also be given to them.

6. 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.

7. The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

tsg

To

1. The District Collector,
Sivagangai District, Sivagangai.
2. The Revenue Divisional Officer,
Sivagangai District, Sivagangai.
3. The Tahsildar,
Kalayarkovil Taluk, Sivagangai District.

+1 CC to M/s.SPL GP (SR-16962[F] dated 21/04/2021)

Order made in
W.P. (MD) .No.8129 of 2021
Dated:

20.04.2021

GS (05.05.2021) 3P 5C