



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.8582 of 2021

Mookkayammal

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Palani, Dindigul District.

2.The Tahsildar,
Vedasanthur Taluk Office,
Dindigul District.

3.Thangammal

4.Kali

5.Selvam

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the 2nd respondent to measure the petitioner's property as per the petitioner's sale deed and change the survey number 468/1 instead of 431/2B and further direct the 2nd respondent to issue the patta to the petitioner with regard to the property in Survey No.468/1 situated Ayyalur Village, Vedasandur Taluk, Dindigul District based on the petitioner's representation, dated 07.10.2020.

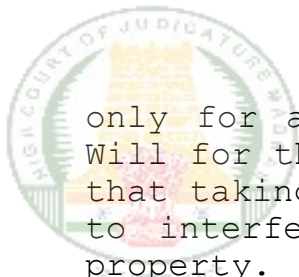
For Petitioner : Mr.G.Gomathi Sankar

For Respondent : Mr.K.P.Narayana Kumar for R1 & R2
Special Government Pleader

ORDER

This writ petition has been filed for the issuance of Writ of Mandamus, directing the second respondent to act upon the representation made by the petitioner, on 07.10.2020, wherein, the petitioner is seeking for the survey of the subject property and for issuance of patta in her name.

2.The case of the petitioner is that the subject property originally belonged to her mother-in-law, who had executed a Will in favour of her husband's first wife's children and the respondents 4 and 5, for the entire property measuring an extent of 1 acre and 34 cents. According to the petitioner, her mother-in-law had a right



only for an extent of 34 cents and she could not have executed a Will for the entire property. The further case of the petitioner is that taking advantage of the Will, the respondents 4 and 5 attempted to interfere with the peaceful possession and enjoyment of the property.

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3. According to the petitioner, she owns an extent of 1 acre and 3 cents in the subject property by virtue of a registered sale deed, dated 23.06.1984. The petitioner in order to avoid any confusion made a representation to the second respondent, seeking for the survey of the subject property and to issue patta in her name in accordance with the title deed to the property. Since the same was not considered, the present writ petition has been filed before this Court, seeking for appropriate directions.

4. Heard Mr.G.Gomathi Sankar, learned counsel for the petitioner and Mr.K.P.Narayanakumar, learned Special Government Pleader for the respondents 1 and 2.

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 second respondent to consider the representation made by the petitioner, on 07.10.2020, on its own merits and in accordance with law, after affording opportunity to the petitioner and respondents 3 to 5 and shall pass orders, within a period of eight weeks from the date of receipt of a copy of this order.

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

7. This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

To

1. The Revenue Divisional Officer,
Palani, Dindigul District.



2.The Tahsildar,
Vedasanthur Taluk Office,
Dindigul District.

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+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-17618[F] dated 27/04/2021)

+1 CC to M/s.SPL GP (SR-17931[F] dated 28/04/2021)

W.P.(MD).No.8582 of 2021

27.04.2021

DKS (CO)
TR(09.06.2021) 3P 5C