



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.06.2021**

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10632 of 2021

and

WMP (MD) No.8287 of 2021

R.Jeyalakshmi

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Madurai District.

3.The Tahsildar,
Vadipatti Taluk,
Madurai District.

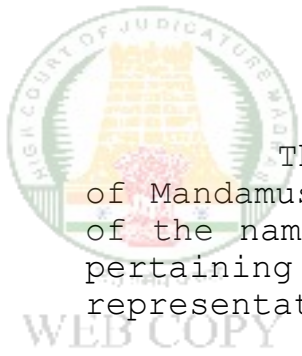
4.Pounroja

5.Poonkodi

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the 2nd respondent to cancel the inclusion of the respondents 4 and 5 in Patta No.5931, in respect of the lands comprised in S.No.629/1B, 705/1 and 706 and the Patta No.5932, in respect of the lands in S.No.626, 460/1, 629/1A, 630/1A & 646/2C, in Katchaikatti Village, and the Patta No.798, in respect of the lands in S.No.179/2 and 179/4 in Viralipatti Village, Vadipatti Taluk, Madurai District and by giving suitable direction to the third respondent to conduct fresh enquiry on the application of the respondents 4 and 5 relating with inclusion of their names in the joint patta in the above mentioned property by giving opportunity to the petitioner and other necessary parties as per the Tamil Nadu Patta Pass Book Act, 1983.

For Petitioner : Mr.R.Suriya Narayanan
For R1 to R3 : Mr.M.Lingadurai,
Government Advocate



ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the second respondent to cancel the inclusion of the names of the fourth and fifth respondents in Patta No.5931, pertaining to the subject property, by considering the representation made by the petitioner on 21.05.2021.

2. The case of the petitioner is that the subject property originally belonged to the father-in-law of the petitioner. The father-in-law of the petitioner had one son and two daughters. The fourth and fifth respondents are the sisters-in-law of the petitioner. The further case of the petitioner is that after the demise of her father-in-law, the subject properties were enjoyed by the husband of the petitioner and patta was also mutated in his name. The husband of the petitioner died on 23.07.2017, leaving behind his mother, the petitioner herein and the two sons as his legal heirs. Thereafter, the mother-in-law also died on 13.12.2020 and even during her life time, she is said to have executed a Will in favour of the petitioner's sons, thereby, the petitioner and her sons are claiming to be the absolute owners of the subject properties.

3. The grievance of the petitioner is that the fourth and fifth respondents have surreptitiously managed to add their names in the patta pertaining to the subject properties by virtue of the proceedings of the third respondent. Aggrieved by the same, the petitioner made a representation to the second respondent seeking for the removal of the names of the fourth and fifth respondents from the patta. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.R.Suriya Narayanan, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents.

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 21.05.2021 after affording opportunity to the petitioner and the fourth and fifth respondents and deal with the same on its own merits and in accordance with law and pass final orders within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. 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.



7. This Writ Petition stands disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSIII)

// 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.

To

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
Madurai District.
- 3.The Tahsildar,
Vadipatti Taluk,
Madurai District.

+1 CC to M/s.SPL GP (SR-20710[F] dated 30/06/2021)

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and
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KB(07.07.2021) 3P 5C