



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.12823 of 2021

V.Sekar

...Petitioner

Vs.

1.The Tahsildar,
Madurai West,
Madurai District.

2.Bhaskaran

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to effect changes in the Town Survey Register pertaining to the property comprised in R.S.No.120/2B to an extent of seven cents, situated at Ponmeni Village, Madurai District, deleting the name of the second respondent and including either the name of the petitioner's wife "Vasanthi" or petitioner's name "V.Sekar" and petitioner son's name Arun Prakash in consonance with the sale deed dated 02.07.1992 vide Document No.1477/1992 and settlement deed dated 12.02.2013 vide document No.507/2013 on the basis of the petitioner's representation dated 21.02.2020.

For Petitioner
For R-1

: Mr.R.G.Shankar Ganesh
: Mr.M.Lingadurai
Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the first respondent to act upon the representation made by the petitioner, on 21.02.2020, wherein, the petitioner has sought for deleting the name of the second respondent and to include the name of the petitioner or his wife in the revenue records.

2.The case of the petitioner is that the subject property measuring an extent of 7 cents along with the superstructure was purchased by the wife of the petitioner by virtue of a registered sale deed, dated 02.07.1992. The further case of the petitioner is that his wife died, on 01.03.2010, leaving behind the petitioner and his children as legal heirs.

3.It is stated that the daughters of the petitioner had executed a settlement deed in favour of the petitioner and his son through a registered settlement deed, dated 12.02.2013 and thereby, the petitioner and his son have become the absolute owners of the subject property.

4.The petitioner wanted to mutate the patta in his name and in the name of his son. At that point of time, he found that the name of the



second respondent has been entered in the subject property and according to the petitioner, the second respondent has absolutely nothing to do with the subject property.

5.Heard Mr.R.G.Shankar Ganesh, learned counsel for the petitioner and Mr.M.Lingadurai, learned Government Advocate for the first respondent.

6.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 first respondent to consider the representation made by the petitioner, on 21.02.2020 and deal with the same on its own merits and in accordance with law and after affording opportunity to the petitioner and the second respondent and pass final orders, within a period of six weeks from the date of receipt of a copy of this order.

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

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

Sd/-

Assistant Registrar (CS I)

// 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

The Tahsildar, Madurai West,
Madurai District.

+1CC TO Mr.R.G.Shankar Ganesh, Advocate (SR24240/2021)

+1CC To Special Government Pleader (SR24717/2021)

RS (05.08.2021) 2P 4C

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