



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD)No.11367 of 2021

P.Errammal @ Chellathai

...Petitioner

Vs.

1. The District Collector,
Theni District, Theni-625 531.
2. The District Revenue Officer,
Theni District, Theni-625 531.
3. The Revenue Divisional Officer,
Theni District, Theni-625 531.
4. The Tahsildar,
Theni District, Theni-625 531.
5. P.S.Perumalsamy
6. P.S.Rajappan
7. P.S.Amsamani
8. P.Ponuthai
9. D.Chellamani
10. V.Annamayeil
11. P.Chinnaraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first to fourth respondents to consider and pass appropriate orders on the petitioner's representations, dated 08.03.2021, within the stipulated time, may be fixed by this Court.

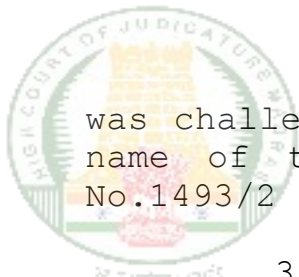
For Petitioner : Mr.A.Jeyaram

For Respondents : Mr.R.Sureshkumar,
Government Advocate

O R D E R

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 08.03.2021, wherein, the petitioner has sought for the transfer of patta in her name.

2. The case of the petitioner is that the subject properties originally belonged to her father-in-law and on his demise, the same devolved upon his three sons. The petitioner had married one of the son, named, Pommaiyaasamy Nayakkar. The further case of the petitioner is that joint patta was issued by the fourth respondent in favour of the respondents 5 to 10. The same



was challenged and ultimately, a separate patta was issued in the name of the petitioner for the subdivided property in Survey No.1493/2 in Patta No.4207.

3. The fifth respondent filed a suit for declaration in O.S.No.380 of 2006, before the District Munsif Court, Theni and the same was dismissed by Judgment and Decree, dated 22.03.2007. Ultimately, the second appeals filed by both the sides came up before this Court in S.A.(MD).Nos.130 of 2010 and 391 of 2009. During the pendency of these appeals, the parties were referred to Mediation and based on the Mediation Report, the second appeals came to be disposed of by order dated 20.11.2014.

4. In the meantime, the patta that stood in the name of the petitioner was transferred to the names of the respondents 5 to 10. Hence, the petitioner made a representation before the third respondent seeking for the cancellation of the patta issued in favour of the respondents 5 to 10 and for restoring the patta in the name of the petitioner. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

5. Heard Mr.A.Jeyaram, learned counsel appearing for the petitioner and Mr.R.Sureshkumar, learned Government Advocate appearing on behalf of the respondents 1 to 4.

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 third respondent to consider the representation made by the petitioner on 08.03.2021 after affording opportunity to the petitioner and the respondents 5 to 10 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.

7. 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.

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

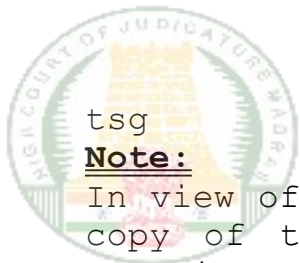
Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



tsg

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,
Theni District, Theni-625 531.
2. The District Revenue Officer,
Theni District, Theni-625 531.
3. The Revenue Divisional Officer,
Theni District, Theni-625 531.
4. The Tahsildar,
Theni District, Theni-625 531.

+1 CC to M/s.A.JEYARAM, Advocate (SR-21608[F] dated 08/07/2021)

+1 CC to M/s.SPL GP (SR-21941[F] dated 09/07/2021)

Order made in
W.P. (MD)No.11367 of 2021

Dated 08.07.2021

CN(15.07.2021) 3P 7C