



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2021

CORAM:

THE HON'BLE MRS.JUSTICE J. NISHA BANU

W.P. (MD) .No.13059 of 2021

Raju

... Petitioner

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Thanjavur,
Thanjavur District.

3.The Tahsildar,
Thanjavur Taluk,
Thanjavur District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the third respondent to issue the patta to the petitioner in respect of the properties comprised in Survey Nos.269, 336, 368, 369, 378 and 382, Patta No.386, Block No.112/1 to 3 situated at Nanjikkottai Village, Thanjavur District, on the basis of the petitioner's representation dated 21.10.2020 within a time frame to be stipulated by this Court.

For Petitioner : Mr.R.Krishnasamy
For Respondents : Mr.M.Lingadurai,
Government Advocate.

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the third respondent to issue patta to the petitioner in respect of the properties comprised in Survey Nos.269, 336, 368, 369, 378 and 382, Patta No.386, Block No.112/1 to 3 situated at Nanjikkottai Village, Thanjavur District, on the basis of the petitioner's representation dated 21.10.2020.

2. The case of the petitioner is that the petitioner is the adoptive son of one Syed Abdul Majeeth. The petitioner's step father Syed Abdul Majeeth inherited the ancestral proper, stated in his 'Will', from his father S.Khader Sahib, through a power of attorney document executed by him on 16.12.1968, in favour of the father of the petitioner. Originally, the properties were owned by one Umar Sahib and the step father of the petitioner was the great grand son of him. The properties bequeathed in the Will were conveyed by Syed Abdul Majeeth, the step father of the petitioner to the petitioner, in the form of a "Last Will and Testament" on



12.07.1995.

3. It is the further case of the petitioner that his father Syed Abdul Majeeth died on 20.07.1998 and his death was not found in the official records. Therefore, the petitioner filed a suit before the Court of Judicial Magistrate No.VI, Tiruchirappalli, for registration in the official record and issuance of death certificate to the petitioner so as to claim on the estate of the petitioner's deceased step father, on the strength of the 'Will' in the petitioner's capacity as the legatee. The learned Judicial Magistrate, by order dated 29.12.2008 issued order, directing the Tiruchirappalli City Corporation, tiruchirappalli District, to issue the Death Certificate and the Corporation had issued the death certificate on 02.02.2009. Now, the petitioner has come before this Court for issuance of patta in the petition mentioned properties, on the strength of the last will testified by the petitioner's step father.

4. The learned Government Advocate appearing for the respondents would submit that the petitioner's representation dated 21.10.2020 will be considered within the time frame to be stipulated by this Court.

5. The Court heard the submissions made by the learned counsels appearing on either side and perused the materials available on record.

6. Though the petitioner has come with a larger prayer, he would state that it would suffice, if the representation of the petitioner is directed to be considered within a time to be stipulated by this Court.

7. Considering the submissions made by the learned counsel appearing for the petitioner as well as the respondents, without adverting to the merits of the case, the respondents are directed to dispose of the representation of the petitioner, dated 21.10.2020, on merits, and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MPK

<https://hcservices.ecourts.gov.in/hcservices/>



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,
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Thanjavur.
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Thanjavur District.
- 3.The Tahsildar,
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RD(11.08.2021) 3P 4C