



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.14172 of 2021

WEB COPY

P.Indira

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Collectorate Campus,
Palayamkottai, Tirunelveli.

2. The Sub Collector,
Cheranmadevi,
Tirunelveli District.

3. The Thasildar,
Nanguneri Taluk,
Nanguneri, Tirunelveli District.

4. S.Vijayarani

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to cancel the patta which stands in the name of the fourth respondent and to issue patta in the name of Lakshmanapandi Nadar and to consider the petitioner's representation dated 24.06.2021.

For Petitioner : Mr.R.M.Suresh

For Respondent : Mr.P.Subbaraj, Counsel for State.
For R1 to R3.

O R D E R

The petitioner seeks a direction to the respondents for cancellation of the patta which stands in the name of the fourth respondent and to instead issue the patta in the name of Lakshmanapandi Nadar.

2. The petitioner states that the property bearing Survey No.863/23, Ward No.9, West Car Street, Chitambarapuram, Kalakad, originally belonged to one Lakshmanapandi Nadar. Upon his death on 14.02.2010, the said property devolved on his legal heirs. His eldest son, who was the petitioner's husband died on 08.02.2015, thereby leaving the petitioner, her son and daughter as the successors. According to the petitioner, her father-in-law executed a power of attorney in favour of the fourth respondent during his



life time. Such power of attorney ceased to be valid upon his death. By abusing the power of attorney, it is stated that the fourth respondent has transferred the patta to her name. It appears that a civil suit is also pending in this connection.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 2 and 3. He submits that the representation may be considered and disposed of by the second respondent on merits.

4. The facts set out above clearly evidence the existence of a dispute between the petitioner and the fourth respondent. It is unclear from the documents on record as to whether any conveyances have been effected pursuant to the general power of attorney dated 22.09.2009 prior to the death of the petitioner's father-in-law. All these matters would have to be examined before deciding upon the petitioner's request for a patta. However, in this proceeding, it is not necessary to render a decision on these aspects.

5. In the aforesaid facts and circumstances, without going into the merits of the matter, the second respondent herein is directed to consider the petitioner's representation dated 24.06.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner, the fourth respondent and any other person who would be affected by such decision. Such reasoned order shall be passed within a period of three months from the date of receipt of a copy of this order.

6. W.P(MD).No.14172 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

To:

1. The District Collector,
Tirunelveli District,
Collectorate Campus,
Palayamkottai, Tirunelveli.

2. The Sub Collector,
Cheranmadevi,
Tirunelveli District.

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



3. The Thasildar,
Nanguneri Taluk,
Nanguneri, Tirunelveli District.

+1 CC to M/s.R.M.SURESH, Advocate (SR-26262[F] dated 13/08/2021)

+1 CC to M/s.GP (SR-26380[F] dated 16/08/2021)

W.P. (MD) No.14172 of 2021

12.08.2021

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