



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2021

CORAM :

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

W.P. (MD) .No.12889 of 2021

P.Kalaimani

...Petitioner

Vs.

The Tahsildar,
O/o. The Tahsildar Office,
Thirumangalam Taluk,
Thirumangalam,
Madurai.

... Respondent

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to issue a joint patta to the petitioner along with his brothers and sister for the land comprised in Survey No.100 to an extent of 46 cents situated at Sengulam Village, Keela Street, Thirumangalam, Madurai District, on the basis of the petitioner's representation, dated 31.05.2021 and 02.07.2021.

For Petitioner

: Mr.PR.Boomee Rajan

For Respondent

: Mr.M.Lingadurai

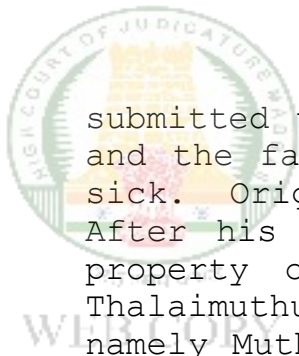
Government Advocate

ORDER

This writ petition has been filed for the issuance of Writ of Mandamus, directing the respondent to issue a joint patta to the petitioner along with his brothers and sister for the land comprised in Survey No.100 to an extent of 46 cents situated at Sengulam Village, Keela Street, Thirumangalam, Madurai District, on the basis of the petitioner's representation, dated 31.05.2021 and 02.07.2021.

2.The case of the petitioner is that originally petitioner's father namely Palraj along with his mother Sankareshwari purchased the subject property, having an extent of 46 cents in S.No.100, situated at Sengulam Keela Street, Ward No.9, Thirumangalam sub division at Madurai, Madurai District, through the registered sale deed, dated 23.02.1996, from one Muthuramalingam son of Thalaimuthu Velar.

3.The further case of the petitioner is that after purchasing the said property their family members were enjoying the said property for the past 26 years continuously till date. It is further



submitted that the petitioner's mother died in the year 03.08.2002 and the father is under their care till date, who is also aged and sick. Originally, the said property belongs to one Late Muthu Velar. After his death his son Thalaimuthu Velar was in enjoyment of the property on the basis of legal heirship. Thereafter, the said Thalaimuthu Velar executed a registered inam settlement to his son namely Muthuramalingam. He in turn sold the same to the parents of the petitioner herein in the year 1996 through a registered sale deed and they were enjoying the same.

4.The further case of the petitioner is that there are four children to his parents including himself, two brothers namely Saravana Kumar and Pathmakumar and one sister namely Sumathi. They are living separately. The petitioner has filed this writ petition on behalf of himself and on behalf of his brothers and sisters. Mother of the petitioner had already died. The petitioner's father intends to obtain a joint patta in favour of his name and his children with regard to the subject property. Therefore, on behalf of all members, the petitioner and his father gave a joint representation to the respondents, on 31.05.2021 and 02.07.2021, for issuing patta. But the same was not acted upon till date. Hence, left with no other option, the present writ petition has been filed before this Court, seeking for appropriate directions.

5.Heard Mr.PR.Boomee Rajan, learned counsel for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents.

6.The learned Government Advocate appearing for the respondent would submit that the representation given by the petitioner will be considered by the first respondent on its own merits within a time to be stipulated by this Court.

7.Considering the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the respondent to consider the representation made by the petitioner and his father, on 31.05.2017, on its own merits and in accordance with law and pass final orders, within a period of eight weeks from the date of receipt of a copy of this order, after affording opportunity of hearing to the petitioner and all other interested persons.

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

Sd/-

Assistant Registrar (AE)

// 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,
O/o. The Tahsildar Office,
Thirumangalam Taluk,
Thirumangalam,
Madurai.

+1 CC to M/s.PR BOOMEE RAJAN, Advocate (SR-24532[F] dated 29/07/2021)

+1 CC to M/s.GP (SR-24948[F] dated 02/08/2021)

W.P. (MD) .No.12889 of 2021

Dated:

29.07.2021

MGJ(09.08.2021) 3P 4C