



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2021

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.12996 of 2021

S.Chandra

... Petitioner

vs.

1)The District Collector,
Kanyakumari District
at Nagercoil.

2)The Tahsildar,
Agastheeswaram Taluk,
Kanniyakumari District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to issue patta in favour of the petitioner in respect of 4.25 cents Sy.No.241/3 of Vembanoor west Village, Agasteeswaram Taluk, Kanyakumari District, by considering the petitioner's representation dated 23.11.2020.

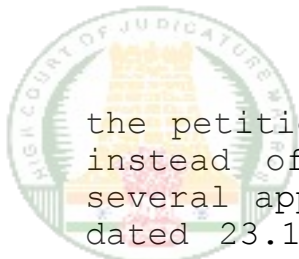
For Petitioner : Mr.A.Balakrishnan

For Respondents : Mr.M.Lingadurai, Government Advocate

ORDER

The petitioner has filed this writ petition for issuance of a Writ of Mandamus, directing the 2nd respondent to issue patta in favour of the petitioner in respect of 4.25 cents Sy.No.241/3 of Vembanoor west Village, Agasteeswaram Taluk, Kanyakumari District, by considering the petitioner's representation dated 23.11.2020.

2.The learned counsel for the petitioner would state that the petitioner has purchased the property to an extent of 4¼ cents in Re.Sy.No.241/3 of Vembanoor Village(now Vembanoor West Village), Agastheeswaram Taluk from one Sundaralingam Nadar S/o.Ponnumuthu Nadar vide Document No.1713 of 1990 dated 17.04.1990 registered on the file of the Rajakkamangalam Sub Registrar Office. The petitioner is an illiterate woman and believed the document writer and her vendor and she was under the impression that the sale deed executed in her favour reflects Sy.No.241/3. Only when she approached the revenue authorities for transfer of patta, she came to know that the survey number was wrongly mentioned in her sale deed as Sy.No.241/10 instead of Sy.No.241/3. While taking steps to rectify the same, she came to know that her vendor Sundaralingam Nadar died and she could not find out his legal heirs. Thus, she executed a declaration deed before the Rajakkamangalam Registrar Office vide Document No.10/2020 dated 28.02.2020 by declaring that in the above sale deed executed by Sundaralingam Nadar in favour of



the petitioner, survey number was wrongly mentioned as Sy.No.241/10 instead of Sy.No.241/3. Thereafter, though the petitioner made several applications for transfer of patta and the last of which is dated 23.11.2020, there was no response. The 1st respondent also forwarded the representation of the petitioner to the 2nd respondent vide O.Mu.(M4)/33715/2020 dated 07.12.2020. Likewise, the representation made by the petitioner to the Assistant Director of Survey and Revenue Divisional Officer also was forwarded to the 2nd respondent for proper action, but the 2nd respondent did not choose to survey or conduct enquiry. Hence, this writ petition.

3.The learned Government Advocate appearing for the respondents would state that the 2nd respondent will dispose of the petitioner's representation dated 23.11.2020 within a time frame to be fixed by this Court.

4.Heard the learned counsel for the petitioner as well as the learned Government Advocate for the respondents.

5.Considering the facts and circumstances of the case and without advertting to the merits of the case, the 2nd respondent is directed to consider and pass orders on the petitioner's representation dated 23.11.2020 within a period of twelve weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

bala/tm

To

1)The District Collector,
Kanyakumari District at Nagercoil.

2)The Tahsildar, Agastheeswaram Taluk,
Kanniyakumari District.

+1 CC to M/s.A.BALAKRISHNAN, Advocate SR-25041[F] dated 02/08/2021

ORDER MADE IN

W.P(MD)No.12996 of 2021

DATED : 29.07.2021

ps (CO)

TR(11.08.2021) 2P 4C

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