



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.13245 of 2021

M.Rajammal

... Petitioner

Vs.

1.The Tahsildar,
Kariapatti Taluk,
Virudhunagar District.

2.Head Quarters Deputy Tahsildar,
O/o.Kariapatti Taluk Officer,
Kariapatti,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to issue House site Patta in favour of petitioner in respect of S.No.123/1 which sub divided as 123/1A5, in the terms of settlement deed No.4676/2010 dated 13.10.2010 and based on the petitioner's Jama Banthi Application dated 10.07.2020 within the time frame fixed by this Court.

For Petitioner : Mr.Balamurugan.S

For Respondents : Mr.R.Baskaran,
Counsel for State.

ORDER

The petitioner seeks the grant of patta in favour of the petitioner in respect of Survey No.123 / 1, which is said to be subdivided as Survey No.123/1A5.

2. The petitioner claims title to four cents of land in original Survey No.123/1 by way of a settlement deed executed in her favour by her mother.

3. According to the petitioner, although there is a civil suit in respect of Survey No.123/1A, there are no rival claims as regards the four cents of land in Survey No.123/1, which now stands subdivided as Survey No.123/1A5.

4. Learned counsel for the petitioner cites the proceedings of the first respondent dated 05.01.2018 and submits that the land in question has also been successfully surveyed and there are no



rival claimants in respect thereof. Accordingly, he states that there should be no impediment for the consideration of the online petition dated 10.07.2020 and for the issuance of a patta on such basis.

5. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of both the respondents. He states that the first respondent may be directed to consider and dispose of the application of the petitioner since it appears *prima facie* that there is no dispute with regard to the petitioner's entitlement to four cents of land in Survey No.123/1A5.

6. Accordingly, without going into the merits of the matter, the first respondent is directed to consider the petitioner's Jama Bandhi Online Petition dated 10.07.2020 and dispose of the same within a period of two (2) months from the date of receipt of a copy of this order after providing a reasonable opportunity of hearing to the petitioner and to any others who would be affected by such decision.

7. W.P.(MD).No.13245 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (W)

// 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 Tahsildar,
Kariapatti Taluk,
Virudhunagar District.
- 2.Head Quarters Deputy Tahsildar,
O/o.Kariapatti Taluk Officer,
Kariapatti,
Virudhunagar District.



+1 CC to M/s.S.BALAMURUGAN, Advocate (SR-25085[F] dated
03/08/2021)

+1 CC to M/s.GP (SR-25181[F] dated 04/08/2021)

W.P (MD) No.13245 of 2021
03.08.2021

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SSS (CO)

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