



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.14367 of 2021

Ilayarani

... Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The Revenue Divisional Officer,
Kadavur Taluk,
Karur District.

3.The Tahsildar,
Kadavur Taluk,
Karur District.

4.R.Ramasamy

5.R.Karnan

6.Thanalakshmi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to issue Patta in favour of the petitioner with respect of property comprised in S.Nos.710/4 and 710/5 having area of 4718 Sq.Ft., 438.31 Sq.Mt., at P.Udayapatty Village, Kadavur Taluk, Karur District on the basis of the petitioner's representation dated 03.05.2021 and 30.07.2021.

For Petitioner : M/s.Vilma Remy

For R1 to R3 : Mr.R.Baskaran

Counsel for State.

ORDER

The petitioner seeks patta in respect of the properties in Survey Nos.710/4 and 710/5 at P.Udayapatty Village, Kadavur Taluk, Karur District.

2. The petitioner traces title to the aforesaid property to a sale deed dated 28.11.1958, bearing Document No.4579/1958 in favour of her father. The petitioner also relies upon the patta in the name of her father, which has been enclosed with the writ petition. The petitioner states that respondents 4 to 6 herein had filed a civil suit in O.S.No.12 of 2017 and that such civil suit was dismissed on 12.03.2021. According to the petitioner, the said



civil suit, which was dismissed for default, was not restored. The petitioner submitted representations to the second and third respondents on 03.05.2021 and 30.07.2021 and has filed the present writ petition on account of the failure to act on the basis of the request for patta.

WEB COPY

3. Mr.R.Baskaran, learned Counsel for the State, accepts notice on behalf of respondents 1 to 3. He points out that the State is also a party to the suit and that therefore, the Government Pleader at the place concerned would be able to ascertain the current status easily. A communication dated 16.07.2021 from the Government Advocate is also included in the type-set of papers and this communication seems to indicate that no appeal is pending as on 16.07.2021. Nonetheless, the fourth, fifth and sixth respondents may have to be put on notice so as to conclusively ascertain the facts in this regard.

4. Accordingly, without going into the merits of the matter, the third respondent herein is directed to consider the petitioner's representations dated 03.05.2021 and 30.07.2021 and pass a reasoned order thereon after providing a reasonable opportunity to the petitioner and to respondents 4 to 6 herein. On account of the fact that the merits of the matter have not been examined and because the third respondent has been directed to hear the private respondents before passing orders, the Writ Petition is disposed of without notice to the private respondents.

5. W.P.(MD).No.14367 of 2021 is disposed of on these terms without any order as costs.

Sd/-

Assistant Registrar (CS-III)

// 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 District Collector,
Karur District,
Karur.

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



2.The Revenue Divisional Officer,
Kadavur Taluk,
Karur District.

3.The Tahsildar,
Kadavur Taluk,
Karur District.

+1 CC to M/s.SPL GP (SR-26512[F] dated 17/08/2021)

W.P (MD) No.14367 of 2021
16.08.2021

PS (CO)
GC (25.08.2021) 3P 5C