



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15603 of 2021

Kaliyammal

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Pugalur Taluk, Karur District.

2.The Tahsildar,
Pugalur Taluk, Karur 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 consider the petitioner's representation dated 05.03.2021 and mutate Natham Manaivari Patta for the petitioner's natham land in Survey No.121/8 measuring to an extent of 0.03.92 Hectare situated in Punja Pugalur North Village, Pugalur Taluk, Karur District by considering the petitioner's FMB and her possession in the said land.

For Petitioner : Mr.V.Sukumar

For Respondents : Mr.K.S.Selvaganesan,
Counsel for State.

ORDER

The petitioner seeks rectification of the Natham Manaivari Patta in respect of Survey No.121/8 Punja Pugalur North Village, Pugalur Taluk, Karur District.

2. According to the petitioner, the above mentioned land originally belonged to one Nallammal who purchased the same under a sale deed dated 29.03.1974, which was registered as Document No.662/1974. The petitioner also states that she purchased 240 Square foot in the same Survey Number under a registered sale deed bearing Document No.75/1985 dated 08.02.1985. Thereafter, the above mentioned Nallammal executed a registered Will in favour of the petitioner's husband Mr.Palanisamy for an extent of 1865 ½ square foot in Survey No.121/8. Consequently, it is stated that the petitioner and her son are in possession and enjoyment of the land of an extent of 2105 ½ Square foot. However, it is stated that the Manaivari Thoraya Patta is only for an extent of 1865 ½ Square foot. The petitioner relies upon the FMB sketch to corroborate the actual extent of land under her possession. In such circumstances, a representation was submitted to the second respondent on 05.03.2021 and the present Writ Petition has been filed in view of the non-consideration thereof.

3. Mr.K.S.Selvaganesan, learned counsel for the State,
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accepts notice on behalf of both the respondents. He submits that the second respondent may be directed to consider the petitioner's representation and dispose of the same on merits and in accordance with law.

4. The petitioner has enclosed the sale deed dated 08.02.1985 in her favour, the Will dated 08.02.1985 in her husband's favour and the Natham Thoraya Patta bearing Patta No.1535 dated 19.03.2020. Upon perusal of such patta, the patta reflects the names of the petitioner and one Mr.Thangaraj, son of Mr.Ramasamy Pillai. Accordingly, the joint pattadhar would have to be put on notice before a decision is taken on the petitioner's request.

5. Subject to the above observations but without going into the merits of the matter, the second respondent herein is directed to consider the petitioner's representation dated 05.03.2021 and dispose of the same by a reasoned order within a period of three (3) months from the date of receipt of a copy of this order. Such reasoned order shall be issued after providing a reasonable opportunity to the petitioner, Mr.Thangaraj and any other person who would be affected by the decision.

6. Accordingly, W.P.(MD).No.15603 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

LM/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 Revenue Divisional Officer,
Pugalur Taluk, Karur District.

2.The Tahsildar, Pugalur Taluk, Karur District.

+1 CC to M/s.GP (SR-28060[F] dated 03/09/2021)

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02.09.2021

RD(13.09.2021) 2P 4C

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