



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD).No.16129 of 2021

and

W.M.P. (MD).No.12991 of 2021

WEB COPY

K.Malarvizhi

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Usilampatti,
Madurai.

3.The Thasildar,
Taluk Office,
Usilampatti Taluk,
Usilampatti,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent herein to consider and take necessary action and submit the report in pursuant to the proceedings of the first respondent in O.Mu.No.37176/2020/g3 dated 30.11.2020 within a time frame.

For Petitioner : Mr.R.Tamil Amuthan

For Respondents : Mr.P.Subbaraj

Counsel for the State

ORDER

The petitioner seeks action on the basis of the proceeding of the 1st respondent dated 30.11.2020 in relation to the petitioner's request to rectify the anomalies in the Town Survey Land Register pertaining to the property bearing Survey No.223/1A part at Usilampatti, Madurai.

2. The petitioner states that her mother-in-law, Sakkaraiyammal, purchased the property bearing Survey No.223/1A of an extent of 85 ½ cents under a sale deed bearing document No.1783/1980. Upon her death, the petitioner's late husband is said to have inherited the property. It appears that a joint thorayapatta was issued in respect of such property and the said document contains the name of the petitioner herein. Subsequently,



it is stated that the name of the petitioner has been deleted in the Town Survey Land Register pertaining to survey No.223/1A. The petitioner submitted a representation in this regard. Upon receipt thereof, it is stated that the 1st respondent addressed a communication dated 30.11.2020 to the 2nd respondent. By such communication, the 2nd respondent was directed to initiate action on the petitioner's representation and communicate the result of such inquiry to the 1st respondent. The present writ petition is filed on account of the failure to take action in terms of the communication dated 30.11.2020.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the petitioner's request may be considered and disposed of on merits.

4. In view of the communication dated 30.11.2020 from the 1st respondent to the 2nd respondent, it is not necessary to dwell into the merits of the present dispute. It would be sufficient if the 2nd respondent is directed to initiate action on the basis of the petitioner's representation after providing a reasonable opportunity to the petitioner and the parties in whose names the relevant patta and Town Survey Land Register stand.

5. Accordingly, without going into the merits of the matter, the 2nd respondent is directed to initiate action on the basis of the communication dated 30.11.2020 after putting the petitioner and the persons whose names are contained in the Town Survey Land Register as well as the Manaivari Thorayapatta on notice. Such exercise shall be concluded within a period of 3 months from the date of receipt of a copy of this order in the form of a reasoned order to be communicated to all the parties therein.

6. W.P.(MD).No.16129 of 2021 is disposed of on these terms without any order as to costs. Consequently, connected W.M.P.(MD).No.12991 of 2021 is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn

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,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Usilampatti,
Madurai.

3.The Thasildar,
Taluk Office,
Usilampatti Taluk,
Usilampatti,
Madurai.

+1 CC to M/s.TAMIL AMUTHAN, Advocate
(SR-28867[F] dated 13/09/2021)

+1 CC to M/s.SPL GP
(SR-28816[F] dated 13/09/2021)

W.P (MD) .No.16129 of 2021

and

W.M.P. (MD) .No.12991 of 2021

09.09.2021

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