



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2021
CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.16379 of 2021

N.Pandeeshwari

... Petitioner

Vs.

1. The Tahsildar,
Thiruppuvanam Taluk Office,
Thiruppuvanam Taluk,
Sivagangai District.

2. The Zonal Deputy Tahsildar,
Thiruppuvanam Taluk Office,
Thiruppuvanam Taluk,
Sivagangai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to transfer the patta relating to the properties comprised in S.Nos.63/1B 63 cents 64/1 extent 37 cents, 67/4 extent 95 cents, 68/3A extent 74 cents, 68/3B 1 Acre 58 cents, 69/5 extent 17 cents and landed property comprised in S.No.63/1A extent 58 1/2 cents situated at Manjalkudi Village, Thiruppuvanam Taluk, Sivagangai District stands in Patta No.124 and 589 from the petitioner's father to petitioner name vide three registered settlement deeds dated 23.02.2015 on the basis of petitioner's representation dated 23.08.2021 within time frame fixed by this Court.

For Petitioner : Mr.K.Jagadeesan
For Respondents : Mr.K.S.Selva Ganesan,
Counsel for State

O R D E R

The petitioner states that her stepfather, Mr.Deivendran, had purchased properties under sale deeds dated 24.01.1992 and 16.03.1996. In addition, the "B" schedule property under partition deed dated 17.08.2009 was allotted to him in a partition between himself and his brother. Pursuant thereto, under three settlement deeds, each dated 23.02.2015, the said properties were settled in favour of the petitioner. The petitioner also cites the patta issued



in favour of her stepfather under Patta No.124 and Patta No.589.

2. The petitioner states that her father had filed an application on 18.05.2020 for patta transfer in her name. However, her father died on 02.06.2021 and her mother died on 20.05.2021. In such circumstances, the petitioner submitted an application on 16.06.2021 and submitted a representation on 23.08.2021 seeking mutation of patta in her name. The present writ petition is filed in view of the failure of the respondents to take necessary action on such application.

3. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the first respondent may be directed to consider and dispose of the petitioner's application on merits.

4. The petitioner has enclosed copies of the two sale deeds under which her stepfather acquired properties as also the partition deed dated 17.08.2009 in terms of which her stepfather was allotted the properties described in the "B" schedule thereto. The settlement deeds in favour of the petitioner have also been enclosed. Moreover, the pattas issued in the name of the petitioner's stepfather are enclosed. Such pattas disclose that the owner of the relevant property is Deivendran. The two pattas relate to all the properties in respect of which the petitioner is seeking a mutation of patta. As such, the petitioner has made out a case for the issuance of a direction.

5. For the reasons set out above, the first respondent is directed to consider the application submitted by the petitioner for mutation of patta and take necessary action on such basis within a period of two months from the date of receipt of a copy of this order. Before disposing of the petitioner's application for patta, a reasonable opportunity should be given to the petitioner and to rival claimants, if any.

6. W.P(MD).No.16379 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Tahsildar,
Thiruppuvanam Taluk Office,
Thiruppuvanam Taluk,
Sivagangai District.

2. The Zonal Deputy Tahsildar,
Thiruppuvanam Taluk Office,
Thiruppuvanam Taluk,
Sivagangai District.

+1 CC to M/s.K.JAGADEESAN, Advocate (SR-29139[F] dated 15/09/2021)

+1 CC to M/s.SPL. GP (SR-29124[F] dated 15/09/2021)

W.P. (MD) No.16379 of 2021

14.09.2021

RD(24.09.2021) 3P 5C