



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2021

CORAM

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.16518 of 2021

Tmt.Felix Rajam

... Petitioner

Vs.

1.The District Collector,
Collector's Office,
Madurai District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Melur Division,
Vellaripatti, Melur (TK)
Madurai District.

3.The Thasildar,
Melur,
Madurai District.

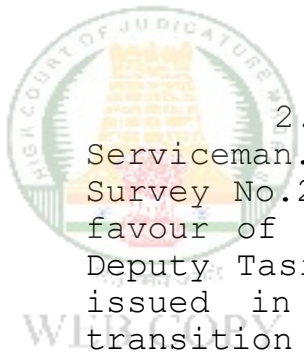
... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents 1 to 3 to duly carry out the correction in the classification of the petitioner's Patta lands by removing the words "Panchamar Tharisu" and instead incorporate the words agricultural lands and issue joint Patta comprised in S.No:247/2A for 0.60.0 Ares and 247/2B for 1.74.5 Ares of Kongampatty Village of Melur Taluk, Madurai District in the name of the petitioner's family members as already maintained in the revenue records, considering the petitioner's representation dated 02.12.2020 and the petitioner's subsequent remainder dated 20.04.2021.

For Petitioner : Mr.V. Nagendran
For Respondents : Mr.K.S. Selva Ganesan
Counsel for State

ORDER

The petitioner seeks a direction for the re-classification of her Patta lands by removing the classification of Panchamar Tharisu.



2. The petitioner states that her father was an Ex-Serviceman. On that basis, the punja land admeasuring 4.47 acres in Survey No.247/2 of Kongampatty Village, Melur Taluk was assigned in favour of the petitioner's father under proceedings of the Special Deputy Tasildhar, Melur dated 04.02.1964. Thereafter, a patta was issued in favour of her father under Patta No.1210. During transition to the UDR scheme, the said land was sub-divided as Survey No.247/2A admeasuring 0.06.0 Ares and Survey No.247/2B admeasuring 1.74.5 Ares. In respect thereof, a patta passbook was issued in the name of the petitioner's father, A.Vedamuthu, under Patta No.1589. The petitioner's father remained in peaceful possession and enjoyment of the property until his death.

3. Upon the demise of the petitioner's father on 23.01.1999, the petitioner states that the patta was transferred in the names of his legal heirs, namely, his wife Pappammal; his two sons, namely, Vincent Jeyaraj and John Manoharan; and two daughters, namely, Felix Rajam (the petitioner) and Jospin Amali under Joint Patta No.1314.

4. In these facts and circumstances, the petitioner states that it has recently come to her notice that the land has been classified as 'Panchamar Tharisu' in the relevant revenue records. Therefore, the petitioner sent a representation on 02.12.2020 to the second respondent. On receipt thereof, the second respondent sent a communication dated 05.12.2020 to the third respondent calling for a report in such regard. The present Writ Petition is filed on account of the failure to take further action thereon.

5. Mr.K.S. Selva Ganesan, learned Counsel for the State, accepts notice on behalf of all the respondents. He submits that the second and third respondents may be directed to consider and dispose of the petitioner's representation on merits and in accordance with law.

6. The petitioner has enclosed copies of the assignment order dated 04.02.1964, the patta passbook issued in the name of her father and a copy of the 'A' Register reflecting the name of her father but indicating that the property is classified as 'Panchamar Tharisu'. Therefore, the petitioner has made out a case for the consideration of the representation dated 02.12.2020.

7. Accordingly, without going into the merits of the matter, the second and third respondents herein are directed to consider the petitioner's representation dated 02.12.2020 and issue a reasoned order thereon after providing a reasonable opportunity to the petitioner and the other legal heirs of her late father A.Vedamuthu. Such reasoned order shall be issued within a period of three (3) months from the date of receipt of a copy of this order.



8. Accordingly, W.P.(MD).No.16518 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

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Sub Assistant Registrar(CS)

tsg/nsr

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,
Collector's Office,
Madurai District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Melur Division,
Vellaripatti, Melur (TK)
Madurai District.
- 3.The Thasildar,
Melur,
Madurai District.

+2 CC to M/s.V.NAGENDRAN, Advocate (SR-29377[F] dated 16/09/2021)

+1 CC to M/s.SPL. GP (SR-29473[F] dated 17/09/2021)

W.P (MD) No.16518 of 2021
16.09.2021

PS (CO)
KB (27.09.2021) 3P 7C