



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD).No.17067 of 2021

K.Seethalakshmi

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

2.S.Gokulakrishnan

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's appeal dated 25.06.2021 and to issue patta to the petitioner regarding the landed property comprised in SR.Nos.323/7A2, 323/7A5, 323/8A1, 323/8A2, 323/12 to an extent of 1 acre 15 cent situated at 126-Poondi Village, Papanasam Taluk, Thanjavur District, after conducting enquiry within a period stipulated by this Court.

For Petitioner : Mr.A.Senthilkumar

For R1 : Mr.P.Subbaraj
Counsel for State

ORDER

The petitioner seeks the expeditious disposal of the appeal dated 25.06.2021 seeking issuance of patta to the petitioner in respect of the properties bearing SR.Nos.323/7A2, 323/7A5, 323/8A1, 323/8A2 and 323/12 of an extent of 1 acre 15 cents at 126-Poondi Village, Papanasam Taluk, Thanjavur District.

2.The petitioner claims title to the above mentioned properties under a sale deed dated 28.04.1989 in her favour, albeit through her guardian, namely, her grandmother, Jayalakshmi. The petitioner alleges that the patta in relation to such property was unlawfully issued in her father's name after the death of her grandmother on 03.09.1993. Therefore, the petitioner approached the Tahsildar on numerous occasions. Eventually by proceedings bearing No.2021/0103/21/254372 dated 08.05.2021, the Tahsildar rejected her request. The said proceedings were assailed before the Revenue Divisional Officer. The present petition is filed for the expeditious disposal of the appeal.

2.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the first respondent. He submits that the first



respondent may be directed to consider and dispose of the appeal on merits and in accordance with law after putting all affected parties on notice.

3.The petitioner has enclosed a copy of the sale deed under which she claims title to the property. A copy of the appeal filed before the first respondent is also enclosed. In view of the fact that a patta was issued in the name of the petitioner's father, ordinarily, the petitioner's father should have been heard. However, it is brought to the notice of the Court that the petitioner's father is no more. Therefore, the legal heirs of the petitioner's father should be heard.

4.Accordingly, without going into the merits of the matter, the first respondent is directed to consider the petitioner's appeal dated 25.06.2021 and dispose of the same by a reasoned order on merits and in accordance with law after providing a reasonable opportunity to the petitioner, the second respondent and the other legal heirs of the petitioner's father. Such reasoned order shall be issued within a period of four months from the date of receipt of a copy of this order.

5.W.P.(MD).No.17067 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)

sn/sji

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

The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

+1 CC to M/s.SPL. GP (SR-30005[F] dated 23/09/2021)

W.P(MD).No.17067 of 2021

22.09.2021

RD(29.09.2021) 2P 3C