



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2021

CORAM

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P (MD) No.17089 of 2021

M.Mariyappan

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Tenkasi District,
Tenkasi.

2.The Tahsildar,
Taluk Office,
Thiruvengadam Taluk,
Tenkasi District.

3.The Village Administrative Officer,
Karisalkulam Village,
Thiruvengadam Taluk,
Tenkasi District.

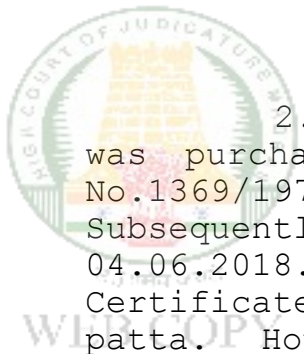
... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to make corrections in the Joint Patta issued by the second respondent in Patta No.1835 by adding the name of petitioner's son M.Chelladurai for the property in Survey No.178/4 to an extent of 1 Acre and 55 Cents situated at Karisalkulam Village, Thiruvengadam Taluk, Tenkasi District and thereby issue fresh Patta based on the petitioner's representation dated 27.07.2021 to the respondents submitted in person.

For Petitioner	:	Mr.K.Sankar
For Respondents	:	Mr.P.Subbaraj, Counsel for State.

ORDER

The petitioner seeks the inclusion of the name of his son, M.Chelladurai, in the patta pertaining to Survey No.178/4 of an extent of 1 Acre and 55 Cents at Karisalkulam Village, Thiruvengadam Taluk, Tenkasi District.



2. The petitioner states that the above mentioned property was purchased by his wife from one E.Mookkaiah under Document No.1369/1977 on the file of the Sub-Registrar, Sakarankovil. Subsequently, it is stated that the petitioner's wife passed away on 04.06.2018. After obtaining the Death Certificate and Legal Heir Certificate, the petitioner applied for a mutation of the joint patta. However, the petitioner was informed orally that the joint patta stands in the name of one Mrs.P.Krishnaveni. Therefore, the petitioner submitted a representation dated 27.07.2021 and has filed the present Writ Petition in view of the failure of the respondents to take action thereon.

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

4. The petitioner has enclosed a copy of the sale deed dated 26.10.1997 in favour of his wife. In addition, the petitioner has enclosed a copy of Patta No.1835 and Patta No.1124. Patta No.1835 is in respect of Survey No.178/4B of an extent of 2.50 Acres. Such patta is in the names of Gurusamy Konar, Pandarasamy Naikkar, Kanthasamy Naikkar, Pandarasamy Naikkar, Kichappa Naikkar, Gurusamy Naikkar and the petitioner's wife, Vellathai. Patta No.1124 is in respect of Survey No.178/4A and has been issued to the petitioner's wife, Vellathai. The petitioner has also produced the Death Certificate of his wife and the Legal Heir Certificate indicating the names of the petitioner and his son as legal heirs. On the basis of these documents, the petitioner is entitled to a consideration of his representation.

5. Accordingly, without entering any findings on the merits of the matter, the second respondent herein is directed to consider the petitioner's representation dated 27.07.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner and the joint pattadhars in respect of the property bearing Survey No.178/4B. Such reasoned order shall be issued within a period of three (3) months from the date of receipt of a copy of this order.

6. W.P.(MD)No.17089 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)



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,
Collectorate,
Tenkasi District,
Tenkasi.

2.The Tahsildar,
Taluk Office,
Thiruvengadam Taluk,
Tenkasi District.

3.The Village Administrative Officer,
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Tenkasi District.

+1 CC to M/s.SPL. GP (SR-30135[F] dated 24/09/2021)

W.P (MD) No.17089 of 2021
23.09.2021

MGJ(05.10.2021) 3P 5C