



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.17621 of 2021

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Selvi

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
Sivagangai District,
Sivagangai.
- 3.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.
- 4.The Tahsildar,
Kalayarkovil Taluk,
Sivagangai District.
- 5.Kathiresan
- 6.Balashanmugam
- 7.TMR Kannan

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to consider the petitioner's representation dated 02.09.2021 and hear the petitioner prior to deciding upon any changes to patta in Survey No.197/3 situated at Oyyavanthan Village Group, Kalayarkovil Taluk, Sivagangai District and to direct the patta in respect of 80 cents of land in Survey No.197/3 originally owned by the sixth respondent be transferred in the name of the petitioner.

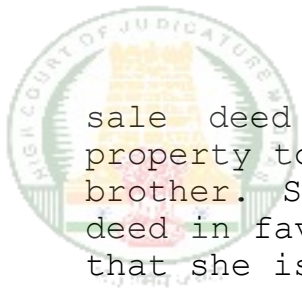
For Petitioner : Mr.V.Kannan
For Respondents : Mr.P.Subbaraj,
Counsel for the State for R1 to R4

O R D E R

The petitioner seeks a mutation of patta with regard to the property bearing Survey No.197/3 at Oyyavanthan Village Group, Kalayarkovil Taluk, Sivagangai District.

2.The petitioner states that the above mentioned property originally belong to Kathiresan, the fifth respondent herein. By a

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sale deed dated 14.09.2018, the fifth respondent conveyed the property to the sixth respondent, who is said to be the petitioner's brother. Subsequently, the sixth respondent executed a settlement deed in favour of the petitioner. As a result, the petitioner states that she is the owner of the property currently.

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3. After the purchase of the property by the sixth respondent, the petitioner states that the seventh respondent filed W.P(MD). No.8887 of 2021 against the official respondents and the fifth respondent. However, the sixth respondent was not joined as a party in the said writ petition. By order dated 30.04.2021, the writ petition was disposed of by directing the District Revenue Officer to consider the petitioner's representation seeking cancellation of the patta issued to the fifth respondent.

4. The petitioner asserts that she is entitled to a mutation of patta in her name pursuant to the settlement deed. However, the revenue officials have not initiated any action on the petitioner's request for a mutation of the patta in view of the order passed in W.P(MD).No.8887 of 2021.

5. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 4. He submits that the second respondent may be directed to consider the petitioner's request for mutation of patta by also putting the other parties on notice.

6. The petitioner has enclosed a copy of the sale deed dated 14.09.2018 by which the sixth respondent purchased the relevant property from the fifth respondent. A copy of the patta change order in favour of the fifth respondent is also enclosed. In view of the fact that the second respondent was directed to consider the representation of the seventh respondent seeking cancellation of the patta issued to the fifth respondent, it is appropriate that a decision be taken on the petitioner's request for mutation of patta by the second respondent while deciding the petition of the seventh respondent for cancellation of patta.

7. Accordingly, without entering any findings on the merits of the matter, the second respondent is directed to consider the petitioner's representation dated 02.09.2021 along with the seventh respondent's representation dated 30.11.2020 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner and all the private respondents herein. Such reasoned order shall be issued within a period of four months from the date of receipt of a copy of this order.



8.W.P(MD).No.17621 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (A.D II)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
Sivagangai District,
Sivagangai.
- 3.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.
- 4.The Tahsildar,
Kalayarkovil Taluk,
Sivagangai District.

+1 CC to M/s.SPL.GP (SR-30865[F] dated 01/10/2021)

W.P. (MD)No.17621 of 2021

30.09.2021

KS (CO) /RS (08.10.2021) 3P 6C