



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.17885 of 2021

WEB COPY

M.Renuka

... Petitioner

Vs.

1. The Secretary to Government
of Tamil Nadu,
Secretariat, Chennai - 600 009.

2. The District Collector,
Thiruchirappalli District.

3. The Tahsildar,
Musiri Taluk,
Thiruchirappalli District.

4. The Village Administrative Officer,
Moruppatti Village,
Musiri Taluk,
Thiruchirappalli District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to mutate the patta in respect of the properties bearing Punjai Survey Nos.733/1, 733/4, 734/2, 733/2, 733/3, 734/1 and Natham Survey No.933/66 (UDR Survey No.7/66) of Morurpatti Village, Musiri Taluk, Thiruchirappalli District in petitions within a stipulated period that may be fixed by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj
For Respondents : Mr.B.Saravanan,
Counsel for State.

O R D E R

The petitioner seeks a direction to the respondents to mutate the patta in respect of the properties bearing Punjai Survey Nos.733/1, 733/4, 734/2, 733/2, 733/3, 734/1 and Natham Survey No.933/66 of Morurpatti Village, Musiri Taluk, Thiruchirappalli District.

2. The petitioner states that she had entered into an agreement of sale with one Palaniammal who purchased the above mentioned properties. In view of the refusal of the said Palaniammal to execute a sale deed in favour of the petitioner, the petitioner



filed O.S.No.116 of 2014 before the District Munsif Court, Musiri, seeking specific performance. The said suit was decreed on 22.09.2014. Pursuant thereto, by orders passed in E.P.No.21 of 2015, a sale deed was executed in favour of the petitioner on 29.04.2016. Subsequently, the petitioner applied for a mutation of the patta. In spite of issuing inquiry notices on 20.01.2020 and 03.08.2020, it is stated that no further action was taken. The present writ petition is filed in these facts and circumstances.

3. Mr.B.Saravanan, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the third respondent may be directed to consider and dispose of the petitioner's representation on merits and in accordance with law.

4. The petitioner has enclosed a copy of the sale deed executed in her favour on 29.04.2016. Copies of Patta Nos.974 and 965 have been enclosed. Patta No.974 is issued to Vaiyapuri Muthuraja and Patta No.965 to Velayutha Muthuraja. According to the petitioner, Palaniammal inherited the property from the pattadars. It is also stated that the opposite parties as per the inquiry notices are the legal heirs of Palaniammal. In the absence of the legal heir certificate or other link documents, no conclusions can be drawn in this regard. Therefore, the pattadars and other legal heirs should be heard in the proceedings before a decision is taken on the petitioner's representation dated 11.12.2019.

5. Subject to the above observations but without entering any findings on the merits of the matter, the third respondent is directed to consider the petitioner's representation dated 11.12.2019 and initiate action on such basis after providing a reasonable opportunity to the petitioner, the pattadars and Palaniammal and her legal heirs. The third respondent shall conclude such proceedings by way of a reasoned order within a period of three months from the date of receipt of a copy of this order.

6. W.P(MD).No.17885 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn



To

1. The Secretary to Government
of Tamil Nadu,
Secretariat, Chennai - 600 009.

WEB COPY

2. The District Collector,
Thiruchirappalli District.

3. The Tahsildar,
Musiri Taluk,
Thiruchirappalli District.

4. The Village Administrative Officer,
Moruppatti Village,
Musiri Taluk,
Thiruchirappalli District.

+1 CC to M/s.SPL.GP (SR-31169[F] dated 05/10/2021)

+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate (SR-31270[F] dated
05/10/2021)

W.P. (MD) No.17885 of 2021
04.10.2021

KS (CO)

KB(12.10.2021) 3P 7C