



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.18399 of 2021

WEB COPY

Vellathai

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Cheranmahadevi,
Tirunelveli District.

2.The Zonal Deputy Tahsildar,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Office of the Tahsildar,
Cheranmahadevi Taluk,
Tirunelveli District.

...Respondents

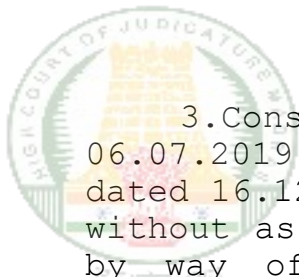
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to taken on file the petitioner's appeal dated 12.04.2021 submitted before the first respondent and dispose the same in accordance with law within the time stipulated by this Court.

For Petitioner	: Mr.S.Sathya Chithambaram
For Respondents	: Mr.K.S.Selva Ganesan Counsel for State

ORDER

The petitioner seeks a direction to the first respondent to take her appeal on file and dispose of the same.

2.The petitioner claims title to a property admeasuring 2400 sq.ft in S.No.224/2 at Pappakudi Village, Cheranmahadevi Taluk, Tirunelveli District. According to the petitioner, the said property originally belonged to one Pandaram. The legal heirs of the said Pandaram executed a power of attorney in favour of one Dhandayuthapani. On such basis, the said Dhandayuthapani executed a sale deed dated 07.02.2012 in favour of the petitioner's husband, Karuppasamy Thever. Upon the death of the said Karuppasamy Thever, the petitioner states that the legal heirs of Karuppasamy Thever inherited his estate.



3. Consequently, the petitioner submitted an application on 06.07.2019 for mutation of the patta. By an online communication dated 16.12.2019, the request for mutation of the patta was rejected without assigning any reasons. The said communication was assailed by way of an appeal presented before the first respondent on 12.04.2021. The present writ petition is filed seeking the disposal of the said appeal.

4. Mr. K. S. Selva Ganesan, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the first respondent may be directed to consider and dispose of the application for mutation of the patta within a reasonable time frame.

5. The petitioner has enclosed a copy of the sale deed dated 07.02.2012 by which her husband purchased the relevant property. A copy of Patta No. 950 is enclosed. The said patta stands in the name of Chinna Thangaiya, Pandaram, Paramasivam and Lakshmi. It pertains to the property bearing S.No. 224/2 of an extent of 0.41.50 hectares. Therefore, the first respondent should provide a reasonable opportunity to the above mentioned joint pattathars or their legal heirs, if appropriate, before deciding the petitioner's appeal. In addition, the other legal heirs of Karuppasamy Thever should be heard.

6. Subject to the above observations, W.P.(MD) No. 18399 of 2021 is disposed of by directing the first respondent to consider the petitioner's appeal dated 12.04.2021 and dispose of the same by a reasoned order after providing a reasonable opportunity to the petitioner, the other legal heirs of the late Karuppasamy Thever and the joint pattathars under Patta No. 950 or their legal heirs, if appropriate. Such reasoned order shall be issued within a period of four (4) months from the date of receipt of a copy of this order. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

sjj

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 Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Cheranmahadevi,
Tirunelveli District.

2.The Zonal Deputy Tahsildar,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Office of the Tahsildar,
Cheranmahadevi Taluk,
Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-32227[F] dated 22/10/2021)

W.P (MD) .No.18399 of 2021
20.10.2021

PS (CO)

GC/JGB(01.11.2021) 3P 5C