



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.18297 of 2021

Kasiyammal

... Petitioner

Vs.

1.The Tahsildar,
Lalgudi Taluk,
Trichy District - 621 601.

2.Natesa Udayar

... 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 petitioner's representation dated 19.06.2021 and remove the name of the second respondent as pattadhar for Survey Nos.270/16, 20 of Kallagam Village, Lalgudi Taluk, Trichy District.

For Petitioner : Mr.K.Prabhakar
For R-1 : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks a direction for the consideration of her representation dated 19.06.2021 to remove the name of the second respondent as a pattadhar as regards the property bearing Survey Nos.270/16 and 270/20 at Kallagam Village, Lalgudi Taluk, Trichy District.

2. The petitioner traces title to the above mentioned properties through the great-grandfather of her late husband. According to the petitioner, the said properties were the subject matter of a partition suit to which her husband was a party. The petitioner alleges that the second respondent obtained a patta in respect of the property by taking advantage of the similarity in name between the second respondent's father and the petitioner's grandfather-in-law. After submitting a representation dated 19.06.2021, the present Writ Petition is filed alleging failure by the Tahsildar to take action on the representation.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the first respondent.

4. The petitioner has enclosed a copy of the extract from the "A" Register. Such extract is relied upon to assert that the petitioner's husband's great-grandfather was entitled to the relevant property. A copy of the impugned patta in favour of the second respondent is enclosed. Such patta is in respect of multiple survey numbers, including Survey Nos.270/16 and 270/20 with which



the petitioner is concerned. The remarks column of the patta indicates that such patta may have been issued pursuant to the proceedings dated 20.08.2002.

5. Under Section 10 of the Patta Passbook Act, 1983, the Tahsildar is empowered to undertake a mutation of the patta in the event of transfer of ownership pursuant to a conveyance or in the event of the death of the previous pattadhar provided the claimant for mutation establishes that he or she is the rightful legal heir. However, once a patta is issued in the name of a third party and the applicant, such as the petitioner herein, seeks cancellation of such patta, the aggrieved person should approach the jurisdictional Revenue Divisional Officer.

6. Subject to the above observations, W.P.(MD).No.18297 of 2021 is disposed of without any order as to costs by leaving it open to the petitioner to approach the jurisdictional Revenue Divisional Officer in accordance with law.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/lm

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 Tahsildar,
Lalgudi Taluk,
Trichy District - 621 601.

+1 CC to M/s.K.PRABHAKAR, Advocate (SR-32035[F] dated 20/10/2021)

+1 CC to M/s.SPL.GP (SR-32075[F] dated 21/10/2021)

W.P (MD) No.18297 of 2021
20.10.2021

PS (CO)

KB(01.11.2021) 2P 4C