



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.10.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.19088 of 2021

Evelyn Vasantha Daniel @
Vasantha Daniel

... Petitioner

Vs.

The Zonal Deputy Tahsildar,
Agasteeswaram Taluk,
Kanyakumari District.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to issue patta in the petitioner's name vide her online application dated 04.10.2021 for the property stands in Survey Nos.582/9, 582/13 situated at Mathusoothanapuram North Village, Agasteeswaram Taluk, Nagercoil, Kanyakumari District which extends totally about 53.5 cents.

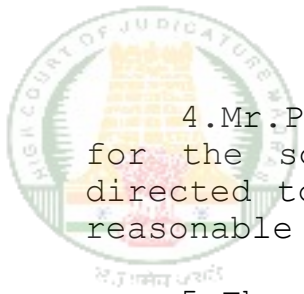
For Petitioner	: Mr.D.Saravanan
For Respondent	: Mr.P.Subbaraj, Counsel for the State.

O R D E R

The petitioner seeks a direction for issuance of patta to her in respect of the property bearing Survey Nos.582/9 and 582/13 at Mathusoothanapuram North Village, Agasteeswaram Taluk, Nagercoil, Kanyakumari District.

2.The petitioner traces title to the above mentioned property through her husband. It is stated that the petitioner's mother-in-law settled the property in favour of the petitioner's husband and his brothers. Subsequently, the petitioner's brothers-in-law executed a release deed dated 27.05.1999 in favour of her husband. The petitioner states that the patta stands in the name of her husband. The petitioner also states that her husband executed an unregistered Will on 04.11.1995 in terms of which he bequeathed his properties in favour of the petitioner. Upon her husband's death on 29.12.2005, it is stated that the petitioner inherited the property described above.

3.In the above facts and circumstances, it is stated that the petitioner applied for a mutation of the patta on 04.10.2021. The present writ petition is filed in view of the alleged failure of the respondent to take further steps thereon.



4.Mr.P.Subbaraj, learned counsel for the State, accepts notice for the sole respondent. He submits that the respondent may be directed to consider and dispose of the request for patta within a reasonable time frame.

5.The petitioner has enclosed a copy of the release deed dated 27.05.1999, the Will dated 04.11.1995 and the patta issued in the name of her husband. The said patta bears Patta No.3999. It relates to the property bearing Survey No. 582/13 and 582/9 of an extent of 9.5 Ares and 1.5 Ares, respectively. On the basis of these documents, the petitioner has made out a case for the consideration of her application. While considering the application, the legal heirs of Alexander Vethakan Daniel, who would have been jointly entitled but for the Will, should be put on notice.

6.Accordingly, W.P(MD).No.19088 of 2021 is disposed of by directing the respondent to consider the petitioner's application dated 04.10.2021 seeking issuance of a patta. Such application shall be considered and disposed of either by issuing a patta or by issuing a reasoned communication indicating the reasons for refusal to do so. In either case, the process shall be concluded within a period of three months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner and the other legal heirs of Alexander Vethakan Daniel. There will be no order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

The Zonal Deputy Tahsildar,
Agasteeswaram Taluk,
Kanyakumari District.

+1 CC to M/s.D.SARAVANAN, Advocate (SR-33069[F] dated 28/10/2021)

+1 CC to M/s.SPL.GP (SR-33009[F] dated 28/10/2021)

W.P. (MD)No.19088 of 2021

27.10.2021

SJ(CO)

RS/PM (10.11.2021) 2P 4C

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