



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.2790 of 2022

S.Nazrin

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Kodaikanal Taluk,
Kodaikanal.

2.The Tahsildar,
Kodaikanal Taluk,
Kodaikanal.

3.The Deputy Inspector of Survey,
Kodaikanal Taluk,
Kodaikanal.

4.The Commissioner,
Kodaikanal Municipality,
Kodaikanal.

5.The Town Planning Officer,
Kodaikanal Municipality,
Kodaikanal.

6.The Head Town Surveyor,
Kodaikanal Municipality,
Kodaikanal.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent herein to consider the representation dated 11.01.2022 given by the petitioner and issue patta to the petitioner's property to an extent of 3.3/4 cents in old Survey No.393/part, T.S.No.15, Ward-D in Kodaikanal Town & Taluk, Dindigul District.

For Petitioner : Mr.M.A.Murthuza Ali

For Respondents 1 to 3 & 6 : Mr.D.Sasikumar
Additional Government Pleader

For Respondents 4&5 : Mr.L.P.Maurya
Standing Counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the second respondent to consider the representation of the petitioner dated 11.01.2022 seeking for issuance of patta in her name for the property measuring an extent of 3 3/4 cents in old Survey No.393/part, T.S.No.15, Ward-D in Kodaikanal Town & Taluk,



Dindigul District and pass orders within a time frame to be fixed by this Court.

2.The petitioner claims that she is the absolute owner of the aforementioned property having purchased the same under a sale deed dated 11.09.2013. According to the petitioner, even though the fourth respondent Municipality had sold the property in the year 1943 itself and it has changed hands subsequently and ultimately, it has been vested with the petitioner, patta has not been transferred in the name of the transferees till date. In such circumstances, the petitioner has given a representation to the respondents on 11.01.2022 seeking for issuance of patta in her name for the aforementioned property. Since the said representation has not been considered till date, this writ petition has been filed.

3.Heard Mr.M.A.Murthuza Ali, learned counsel appearing for the petitioner, Mr.D.Sasikumar, learned Additional Government Pleader who accepts notice on behalf of respondents 1 to 3 & 6 and Mr.L.P.Maurya, learned Standing Counsel who accepts notice on behalf of respondents 4 and 5.

4.No prejudice would be caused to the respondents if the petitioner's representation dated 11.01.2022 is considered on merits and in accordance with law after hearing all the necessary parties including the petitioner. The petitioner claims that she is the absolute owner of the aforementioned property having purchased the same in the year 2013. According to her, in the year 1943 itself the fourth respondent Municipality had sold the property and it had changed hands and it is presently owned by the petitioner.

5.For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 11.01.2022 seeking for issuance of patta in her name for the property measuring an extent of 3 3/4 cents in old Survey No.393/part, T.S.No.15, Ward-D in Kodaikanal Town & Taluk, Dindigul District and pass final orders on merits and in accordance with law. A fair opportunity of hearing will have to be given by the second respondent to both the petitioner as well as the fourth respondent before passing any final orders as directed by this Court today.

6.With the aforesaid direction, the Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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,
Kodaikanal Taluk,
Kodaikanal.

2.The Tahsildar,
Kodaikanal Taluk,
Kodaikanal.

3.The Deputy Inspector of Survey,
Kodaikanal Taluk,
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6.The Head Town Surveyor,
Kodaikanal Municipality,
Kodaikanal.

+1 CC to M/s.SPL GP (SR-6540[F] dated 16/02/2022)

+1 CC to M/s.M.A.MURTHUBA ALI, Advocate (SR-6564[F] dated 16/02/2022)

ORDER MADE IN
W.P. [MD]No.2790 of 2022

15.02.2022

_SS/02.03.2022 : 3P/9C