



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.2746 of 2022

M.Kasthuri

... Petitioner

vs.

1.The District Collector,
Tuticorin District, Tuticorin.

2.The Revenue Divisional Officer,
Kovilpatti, Tuticorin District.

3.The Tahsildar,
Taluk Office, Ottapidaram,
Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second and third respondent to issue joint patta within a time stipulated by this Court.

For Petitioner :Mrs.K.M.Priscilla Jancy

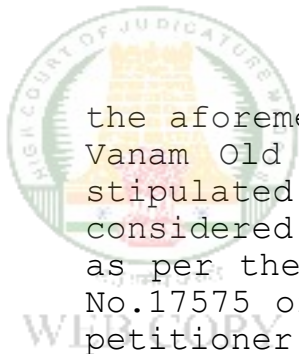
For Respondents :Mr.M.Lingadurai
Special Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents 2 and 3 to issue patta to the petitioner based on the petitioner's representation, dated 01.02.2022 and pass appropriate orders within a time frame to be fixed by this Court.

2.Heard Mrs.K.M.Pricilla Jancy, learned Counsel for the petitioner and Mr.M.Linga Durai, learned Special Government Pleader, who takes notice on behalf of the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, by order, dated 13.12.2020 in a Writ Petition filed by the petitioner in W.P(MD)No.17575 of 2020, this Court had directed the respondents to consider the representation for issuance of joint patta. But, despite the same, till date, the petitioner's representation for joint patta has not been considered. It is also the case of the petitioner that in compliance with the direction given by this Court on 13.12.2020 in



the aforementioned Writ Petition, the cost of Rs.2,500/- to the Roja Vanam Old Age Home, Uthangudi, Madurai, was also paid before the stipulated date and therefore, the respondents ought to have considered the representation seeking for issuance of joint patta, as per the direction given by this Court on 13.12.2020 in W.P(MD) No.17575 of 2020. Since the directions were not complied with, the petitioner has once again submitted a representation on 01.02.2022 with the respondents seeking for issuance of joint patta. She has also paid necessary fees and enclosed necessary documents along with her representation. Since the representation, dated 01.02.2022, seeking for joint patta has not been considered till date, the petitioner has approached this Court once again seeking for a positive direction for issuance of joint patta within a time frame to be fixed by this Court.

4.A positive direction, as sought for in the Writ Petition, cannot be granted by this Court. If at all, a direction can be issued to the respondents to consider the representation, dated 01.02.2022 submitted by the petitioner seeking for issuance of joint patta. If at all, the petitioner is aggrieved by the non compliance of the earlier order of this Court, dated 13.12.2020 passed in W.P. (MD)No.17575 of 2020, her remedy is elsewhere and not in this Writ Petition. The only relief that can be granted by this Court is to direct the respondents 2 and 3 to consider the petitioner's fresh representation, dated 01.02.2022 seeking for issuance of joint patta and pass orders upon the same within a time frame to be fixed by this Court. No prejudice will be caused to the respondents if the representation of the petitioner is considered after hearing the petitioner as well as the necessary parties, if any.

5.For the foregoing reasons, this Court directs the second and third respondents to consider the petitioner's representation, dated 01.02.2022 seeking for issuance of joint patta in the name of petitioner and her sister, Arumugakani for the property mentioned in the representation, dated 01.02.2022 and pass final orders within a period of twelve weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner and her sister, Arumugakani as well as any other necessary parties, if any.

6.With the above observations, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cmr

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The District Collector,
Tuticorin District, Tuticorin.

2.The Revenue Divisional Officer,
Kovilpatti, Tuticorin District.

3.The Tahsildar,
Taluk Office, Ottapidaram,
Tuticorin District.

+1 CC to M/s.SPL.GP (SR-5758[F] dated 11/02/2022)

Order made in
W.P. (MD)No.2746 of 2022
10.02.2022

SB(CO)

GC(22.02.2022) 3P 5C