



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.2817 of 2022

T.Kasthuri

... Petitioner

Vs.

1.The District Collector,
Madurai - 625 020.

2.The Revenue Division Officer,
Collectorate Buildings,
Madurai District.

3.The Tahsildar,
Vadipatti Taluk Office,
Vadipatti,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent to issue patta in the name of the petitioner for punja land comprised in S.No.36/1 measuring 4.99 acres at Kullasekarankottai Village, Vadipatti Taluk, Madurai District within the time to be stipulated by this Court.

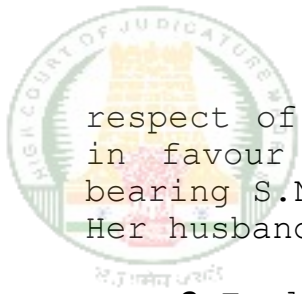
For Petitioner : Mr.M.V.Venkatashesan

For Respondents : Mr.D.Sasikumar
Additional Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the third respondent to issue patta in the name of the petitioner for her punja land comprised in Survey No.36/1 measuring 4.99 acres at Kullasekarankottai Village, Vadipatti Taluk, Madurai District, based on the petitioner's representation dated 12.06.2020 within a time frame to be fixed by this Court.

2.The case of the petitioner is that earlier her husband Thanikodi was the absolute owner of the aforementioned property along with other properties comprised in Survey Nos.35/1 and 1/2 in the very same village. According to the petitioner, patta in



respect of S.Nos.35/1 and 1/2 in the very same village was granted in favour of the petitioner's husband but not for the property bearing S.No.36/1 which is the subject matter of this writ petition. Her husband also died on 17.10.2018.

3. Earlier a direction was given by this Court on 04.07.2006 in a writ petition in W.P.[MD]No.5312 of 2006 filed by the petitioner's husband calling upon the respondents to consider the application submitted by the petitioner's husband seeking for issuance of patta for Survey No.36/1 which is the subject matter of this writ petition. Since the said representation was not considered and since the petitioner's husband is no more, the petitioner has once again given a representation on 12.06.2020 seeking for issuance of patta in her name for survey No.36/1 which is the subject matter of this writ petition. Since the said representation has not been considered till date, this writ petition has been filed.

4. Heard Mr.M.V.Venkatashesan, learned Counsel for the writ petitioner and Mr.D.Sasikumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

5. No prejudice would be caused to the respondents if the petitioner's representation seeking for issuance of patta for the aforementioned property is considered on merits and in accordance with law after hearing all the necessary parties including the petitioner. The respondents are also granted liberty to issue notice to any rival claimants before passing final orders. The petitioner claims that she and her children are the absolute owners of the subject property after the death of Mr.Thanikodi, the husband of the petitioner.

6. For the foregoing reasons, this Court directs the petitioner to give a fresh representation to the respondents since no acknowledgment cards have been produced in respect of her earlier representation. On receipt of the same, this Court directs the third respondent to consider the petitioner's fresh representation seeking for issuance of patta in the name of the petitioner and her children in respect of the property comprised in Survey No.36/1 measuring 4.99 acres at Kullasekarankottai Village, Vadipatti Taluk, Madurai District and pass final orders after hearing all the necessary parties including rival claimants within a period of twelve [12] weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

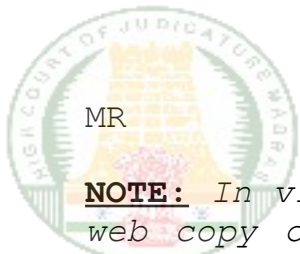
Sd/-

Assistant Registrar (writs)

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/ /2022

Sub Assistant Registrar (CS)



MR

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 District Collector,
Madurai - 625 020.
- 2.The Revenue Division Officer,
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Madurai District.
- 3.The Tahsildar,
Vadipatti Taluk Office,
Vadipatti,
Madurai District.

+1 CC to M/s.SPL GP (SR-5953[F] dated 14/02/2022)

+1 CC to M/s.M.V.VENKATASESHAN, Advocate (SR-5636[F] dated 11/02/2022)

ORDER MADE IN
W.P. [MD]No.2817 of 2022
11.02.2022

PKP/25.02.2022/3P/6C