



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

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THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.3138 of 2022

P.Muthu

... Petitioner

vs.

1.The Tahsildar,
Kalaiyarkovil Taluk, Sivagangai District.

2.The Deputy Tahsildar,
Kalaiyarkovil Taluk, Sivagangai District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent to complete the enquiry proceedings initiated in Na.Ka.A2/3279/2021 ated 15.12.2021 and pass final orders for modification of Patta in respect of S.Nos.37/712 and 35/7 to an extent of 0.05.50 and 0.22.50 Ares respectively situated at Nattarasankottai Village, Kalayarkoil Taluk, Sivagangai District on the basis of the decree of declaration granted by the competent civil Court.

For Petitioner :Mr.H.Arumugam

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 to complete the enquiry proceedings initiated on 15.12.2021 and pass final orders on the petitioner's application seeking for modification of patta in respect of S.Nos.37/712 and 35/7 to an extent of 0.05.50 and 0.22.50 ares respectively situated at Nattarasankottai Village, Kalayarkoil Taluk, Sivagangai District within a time frame to be fixed by this Court.

2.The case of the petitioner is that her ownership over the aforementioned property has been proved pursuant to a decree passed on 01.09.1986 by the learned Subordinate Judge, Sivagangai in A.S.No.136 of 1980, which has decreed the suit in entirety in O.S.No.156 of 1979 on the file of the District Munsif Court,



Sivagangai. In S.A.No.660 of 1983, by judgment and decree, dated 17.02.2001, this Court has also confirmed the judgment and decree passed in A.S.No.136 of 1980 passed by the learned Subordinate Judge, Sivagangai.

3.The petitioner has given a representation on 11.12.2021 enclosing the Courts judgments as well as the Will executed by Kuppammal, death certificate of Kuppammal, copy of death certificate of Periyasamy and legal heirship certificate of Periyasamy, requesting, the Tahsildar to modify the patta in the light of the Civil Court decrees referred to supra. Earlier, the patta for the aforementioned property stood in the name of Andiyappan and Ulagi, who are defendants in the suit in O.S.No.156 of 1979 on the file of the District Munsif Court, Sivganga, referred to supra.

4.It is also stated in the affidavit filed in support of this Writ Petition that subsequent to the representation given by the petitioner on 11.12.2021, the first respondent, by proceedings, dated 15.12.2021 has forwarded the representation of the petitioner to the second respondent. But till date, no final orders have been passed. In such circumstances, the present Writ Petition has been filed.

5.Heard Mr.H.Arumugam, learned Counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader for the respondents.

6.No prejudice will be caused to the respondents or any other parties, if the petitioner's representation, dated 11.12.2021 seeking for modification of patta in the light of the Civil Courts' decree referred to supra, is considered on merits and in accordance with law after affording a fair hearing to the petitioner as well as any other rival claimant including the defendants in the suit in O.S.No.156 of 1979 on the file of the District Munsif Court Sivagangai, within a time frame to be fixed by this Court.

7.Accordingly, this Court directs the second respondent to consider the petitioner's representation, dated 11.12.2021 seeking for modification of patta for the property in S.Nos.37/712 and 35/7 to an extent of 0.05.50 and 0.22.50 ares respectively situated at Nattarasankottai Village, Kalayarkoil Taluk, Sivagangai District, and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner as well as any other rival claimant including the defendants in O.S.No.156 of 1979 on the file of the District Munsif Court Sivagangai and in the light of the judgment and decree passed by this Court in S.A.No.660 of 1983, dated 17.02.2001, which confirmed the judgment and decree in A.S.No.136 of 1980, dated 01.09.1986 passed by the learned Subordinate Judge, Sivagangai, within a period of twelve weeks from the date of receipt of a copy of this order.



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

Sd/-

Assistant Registrar (DR-A/C)

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Sub Assistant Registrar(CS)

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To

1.The Tahsildar,
Kalaiyarkovil Taluk, Sivagangai District.

2.The Deputy Tahsildar,
Kalaiyarkovil Taluk, Sivagangai District.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-7235[F] dated 18/02/2022)

+1 CC to M/s.SPL GP (SR-7520[F] dated 21/02/2022)

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