



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.5001 of 2022

N.Senthil

... Petitioner

Vs.

1. The District Collector,
Collectorate Building,
Madurai-625 020.

2. The Tahsildar,
Madurai South Taluk,
Madurai-625 020.

3. The Deputy Tahsildar,
Madurai South Taluk,
Madurai-625 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd Respondent on the basis of the petitioner's Representation dated 14.03.2022 seeking issuance of separate Patta to the Petitioner in Patta No.14, on the basis of his grandmother namely Amma Pillaiyammal executed a Will dated 08.05.2017 to me in respect of my landed property in Survey No.111/2D, situated at Kallambal 1st Street, Panaiyur Post, Madurai District to an extent of 4 Cents, but the above said property stands in the name of my late grandmother namely Amma Pillaiyammal till date.

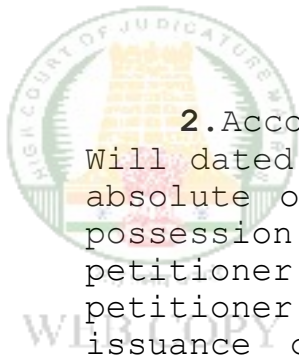
For Petitioner : Mr.S.Balaji

For Respondents : Mr.B.Saravanan

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 consider the petitioner's representation dated 14.03.2022 seeking for issuance of separate patta to the petitioner for Patta No.14 in respect of the property in Survey No.111/2D, situated at Kallambal 1st Street, Panaiyur Post, Madurai District to an extent of 4 cents within a time frame to be fixed by this Court.



2. According to the petitioner, by virtue of an unregistered Will dated 08.05.2017 executed by his grandmother, he has become the absolute owner of the aforementioned property. He claims to be in possession of the same. Patta No.14 stands in the name of the petitioner's grandmother. By virtue of the aforementioned Will, the petitioner seeks for transfer of the same in his name and seeks for issuance of a separate patta in his name. The petitioner has submitted an application on 14.03.2022 with the respondents seeking for issuance of separate patta in his name. Since the said application has not been considered till date, the petitioner has filed this writ petition.

3. Heard Mr.S.Balaji, learned Counsel appearing for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader who accepts notice on behalf of the respondents.

4. The petitioner has filed documents including the copy of Patta No.14 which stands in the name of his grandmother along with the writ petition. The unregistered Will dated 08.05.2017 under which the petitioner is the beneficiary has also been filed. It is for the respondents to consider the same on merits and in accordance with law after affording a fair hearing to the petitioner.

5. No prejudice would be caused to the respondents if the petitioner's application dated 14.03.2022 seeking for issuance of separate patta in his name for the aforementioned property is considered on merits and in accordance with law after affording a fair hearing to the petitioner within a time frame to be fixed by this Court.

6. Accordingly, this Court directs the second respondent to consider the petitioner's application dated 14.03.2022 seeking for issuance of separate patta in respect of the property comprised in Survey No.111/2D, situated at Kallambal 1st Street, Panaiyur Post, Madurai District, measuring an extent of 4 cents and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing within a period of three [3] months 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(P & A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



1. The District Collector,
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Madurai-625 020.

2. The Tahsildar,
Madurai South Taluk,
Madurai-625 020.

3. The Deputy Tahsildar,
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+1 CC to M/s.S.BALAJI, Advocate (SR-13390[F] dated 22/03/2022)

+1 CC to M/s.SPL GP (SR-13864[F] dated 23/03/2022)

ORDER MADE IN
W.P. [MD]No.5001 of 2022
22.03.2022

SB(CO)
TR(31.03.2022) 3P 6C