



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.6805 of 2022

Thangameena

... Petitioner

/Vs./

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The District Revenue Officer,
Madurai District,
Madurai.

3. The Revenue Divisional Officer,
Revenue Divisional Office,
Usilampatti,
Madurai District.

4. The Tahsildar,
Peraiyur Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to issue the Patta in favour of the Petitioner and her children based on the Legal Heirship Certificate issued by the 4th Respondent in respect of Survey No.147/1 to an extent of 0.94.0 Hectares Patta No.38 situated at Vittalpatti Village, Peraiyur Taluk, Madurai District on the basis of the Petitioner's representation dated 02.08.2021 within a time frame to be stipulated by this Court.

For Petitioner : Mr.P.Krishnasamy

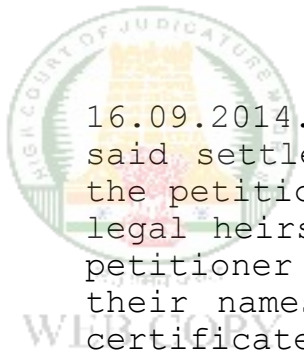
For Respondents : Mr.D.Sasikumar

Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to issue patta in favour of the petitioner and her children, based on the Legal Heirship Certificate issued by the 4th Respondent in respect of Survey No.147/1 measuring to an extent of 0.94.0 Hectares (Patta No.38) situated at Vittalpatti Village, Peraiyur Taluk, Madurai District, based on the petitioner's representation dated 02.08.2021, within a time frame to be fixed by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>
2. According to the petitioner, earlier her husband, while he was alive, executed a settlement deed in favour of his son on



16.09.2014. Thereafter, on 29.09.2014, her husband cancelled the said settlement deed and he died on 08.10.2020. After his death, the petitioner and her three children became his legal heirs and the legal heirship certificate dated 20.10.2020 came to be issued. The petitioner and her children have now applied for joint patta in their names for the subject property, based on the legal heirship certificate dated 20.10.2020 issued for her husband and the representation was submitted to the respondents on 02.08.2021. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

3. Heard Mr.P.Krishnasamy, learned Counsel for the writ petitioner and Mr.D.Sasikumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4. The petitioner has filed documents along with this writ petition in respect of her contention that herself and her three children are entitled for joint patta in their names for the subject property. It is for the respondents to consider the same on merits and in accordance with law.

5. No prejudice would be caused to the fourth respondent, if the petitioner's representation seeking for issuance of joint patta in the names of the petitioner and her children is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and her children as well as other necessary party, whom the fourth respondent deems fit to enquire.

6. For the foregoing reasons, this Court directs the fourth respondent to consider the petitioner's representation dated 02.08.2021 seeking for issuance of joint patta in the names of the petitioner and her three children for the property comprised in Survey No.147/1 measuring to an extent of 0.94.0 Hectares (Patta No.38) situated at Vittalpatti Village, Peraiyur Taluk, Madurai District, and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and her children as well as other necessary party, whom the fourth respondent deems fit to enquire, within a period of eight [8] 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 (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The District Revenue Officer,
Madurai District,
Madurai.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Usilampatti,
Madurai District.
4. The Tahsildar,
Peraiyur Taluk,
Madurai District.

+1 CC to M/s.P. KRISHNA SAMY, Advocate (SR-18714[F] dated
13/04/2022)

+1 CC to M/s.SPL.GP. (SR-18822[F] dated 13/04/2022)

W.P. [MD]No.6805 of 2022
12.04.2022

RD(26.04.2022) 3P 7C