



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2022

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.8449 of 2021

Punitha

...Petitioner

Vs.

1.The District Collector,
Thoothukudi District, Thoothukudi.

2.The District Revenue Officer,
Thoothukudi District, Thoothukudi.

3.The Revenue Divisional Officer,
Kovilpatti Revenue Division,
Kovilpatti, Thoothukudi District.

4.The Tahsildar,
Vilathikulam Taluk Office,
Vilathikulam, Thoothukudi District.

5.The District Palm Good Co-operative Association,
Represented by its
The Special Officer/Assistant Director,
Co-operative Society,
Thoothukudi.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to issue patta in favour of the petitioner in respective of house property in natham survey No.315/39 in patta No.389, which is situated at D.No.1-136, Vembar Village, Vilathikulam Taluk, Thoothukudi District on the basis of her representation dated 25.03.2021, within a time frame that may be fixed by this Court.

For Petitioner : Mr.K.Arunraj

For R1 to R4 : Mr.N.Satheesh Kumar
Additional Government Pleader

For R5 : Mr.Varun
For Mr.Ananth.C.Rajesh



ORDER

This Writ Petition has been filed by the petitioner, seeking a Mandamus against the respondents to issue patta in favour of the petitioner with respect to the property at natham Survey No.315/39 in Patta No.389 in Door No. 1-136, Vembar Village, Vilathikulam Taluk, Thoothukudi District.

2.The petitioner had given a representation on 25.03.2021. The respondents in this case are the District Collector, Thoothukudi, the District Revenue Officer, Thoothukudi, the Revenue Divisional Officer, Kovilpatti, Thoothukudi District and the Tahsildar, Vilathikulam Taluk Office, Thoothukudi. There is also a fifth respondent, namely, the District Palm Goods Co-operative Association, represented by its Special Officer/Assistant Director, which said to be a Co-operative Socceity at Thoothukudi.

3.In the affidavit filed in support of the Writ Petition, the petitioner had stated that aforementioned property was her ancestral property, which originally belonged to grandfather Lazer Fernando. Thereafter, it had devolved on to her mother and then, since both the mother and the father had died, the petitioner being one of the five daughters had been residing in the said property. It must also be mentioned that there is also a brother to the petitioner.

4.The petitioner had claimed that the patta had been transferred in favour of the fifth respondent. Therefore, a representation had been given by the petitioner herein.

5.Whatever be the nature of the representation, the petitioner must file an online application seeking patta. If patta had already been granted in favour of the fifth respondent then, the petitioner must institute necessary proceedings for cancellation of that particular patta. This cannot be done on the basis of the representation but, formal application in that regard will have to be filed by the petitioner. If it is done so, an obligation is placed on the fourth respondent/Tahsildar, to issue notice to the fifth respondent, examine the documents of the petitioner, examine the title deeds which the fifth respondent claims over the property and thereafter, come to a considered decision whether the patta has to be granted to the petitioner or the claim of the petitioner has to be rejected.

6.The fourth respondent may pass necessary orders, after following due process in manner known to law within a period of sixteen weeks from the date of receipt of a copy of this order.



7. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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,
Thoothukudi District, Thoothukudi.
2. The District Revenue Officer,
Thoothukudi District, Thoothukudi.
3. The Revenue Divisional Officer,
Kovilpatti Revenue Division,
Kovilpatti, Thoothukudi District.
4. The Tahsildar,
Vilathikulam Taluk Office,
Vilathikulam, Thoothukudi District.
5. The Special Officer/Assistant Director,
The District Palm Good Co-operative Association,
Co-operative Society, Thoothukudi.

+1 CC to M/s.SPL.GP (SR-2047[F] dated 21/01/2022)

+1 CC to M/s.ANANTH C.RAJESH, Advocate (SR-2054[F] dated 21/01/2022)

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-1974[F] dated 21/01/2022)

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20.01.2022

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