



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.7411 of 2022

Y.Kokila

... Petitioner

Vs.

1.The District Collector,
O/o.the District Collector,
Ramanathapuram District.

2.The Sub-Collector,
O/o.the District Collectorate Campus,
Ramanathapuram District.

3.The Tahsildar,
Paramakudi Taluk Office,
Ramanathapuram District.

... Respondents

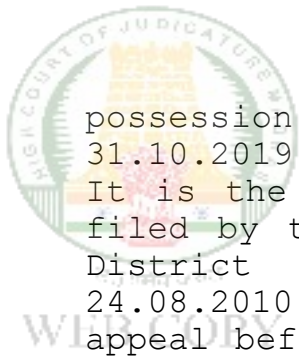
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to issue patta to the petitioner in respect of the property situated at S.Nos.228/5, 228/6, 229/7, 229/13, 245/3, 246/1, 260/4, 261/8 and 273/3, Emaneswaram, Paramakudi Taluk, Ramanathapuram District by considering the petitioner's representation dated 12.03.2022 within the time that may be stipulated by this Court.

For Petitioner	:	Ms.Jasima Yasmin for M/s.Ajmal Associates
For Respondents	:	Mr.M.Lingadurai, Special 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 in respect of her lands situated at Survey Nos.228/5, 228/6, 229/7, 229/13, 245/3, 246/1, 260/4, 261/8 and 273/3, Emaneswaram, Paramakudi Taluk, Ramanathapuram District based on the petitioner's representation dated 12.03.2022 within a time frame to be fixed by this Court.

2. The petitioner claims that she is in possession and enjoyment of the aforementioned property. According to her, her



possession is also confirmed by the judgment and decree dated 31.10.2019 passed by the Sub Court, Paramakudi in A.S.No.81 of 2010. It is the case of the petitioner that a suit for declaration was filed by the petitioner in O.S.No.162 of 2004 on the file of the District Munsif Court, Paramakudi, which was dismissed on 24.08.2010. Aggrieved by the same, the petitioner preferred an appeal before the Sub Court, Paramakudi in A.S.No.81 of 2010. The said appeal came to be partly allowed in favour of the petitioner confirming that the petitioner is in possession of the property. However, the relief of declaration was declined. According to the petitioner, a Second Appeal has also been filed by her against the judgment and decree dated 31.10.2019 passed in A.S.No.81 of 2010, since the relief of declaration of title was declined. According to her, even during the pendency of the litigation, the brother of the petitioner has relinquished his right in the property. Therefore, according to the petitioner, there is no necessity for partition as directed in the judgment of the Lower Appellate Court dated 31.10.2019 in A.S.No.81 of 2010.

3. The petitioner has applied for patta in her name in respect of the property situated at Survey Nos.228/5, 228/6, 229/7, 229/13, 245/3, 246/1, 260/4, 261/8 and 273/3, Emaneswaram, Paramakudi Taluk, Ramanathapuram District through her representation dated 12.03.2022 based on the judgment and decree dated 31.10.2019 passed by the Sub Court, Paramakudi in A.S.No.81 of 2010. According to her, the patta for the subject property presently stands in the name of Mumtaj Begam and other third parties. The petitioner has sought for cancellation of patta standing in the name of the third parties and also has sought for issuance of patta in her name for the subject properties in her representation dated 12.03.2022 given to the respondents.

4. No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary parties, whom the third respondent deems fit to enquire, within a time frame to be fixed by this Court.

5. For the foregoing reasons, this Court directs the third respondent to consider the petitioner's representation dated 12.03.2022 seeking for issuance of patta in her name in respect of the lands situated at Survey Nos.228/5, 228/6, 229/7, 229/13, 245/3, 246/1, 260/4, 261/8 and 273/3, Emaneswaram, Paramakudi Taluk, Ramanathapuram District and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary parties, whom the third respondent deems fit to enquire, including granting them the right of personal hearing, within a period of three (3) months from the date of receipt of a copy of this order. The petitioner is permitted to produce all relevant documents/records to substantiate her claim.



6. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD II)

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/ /2022
Sub Assistant Registrar(CS)

Lm

To

1.The District Collector,
O/o.the District Collector,
Ramanathapuram District.

2.The Sub-Collector,
O/o.the District Collectorate Campus,
Ramanathapuram District.

3.The Tahsildar,
Paramakudi Taluk Office,
Ramanathapuram District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-20154[F] dated 21/04/2022)

+1 CC to M/s.SPL.G.P (SR-20309[F] dated 21/04/2022)

W.P. (MD) .No.7411 of 2022
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MGJ(05.05.2022) 3P 6C