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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.(MD).No.12849 of 2021

Raju ... Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Trichy,
Trichy District.

3.The Tahsildar,
Srirangam Taluk,
Trichy 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 third respondent to issue the patta to the petitioner in respect of the properties comprised in Survey No.135/5 to an extent of 2.64 cents, Survey No.136/11B1, to an extent of 0.39 ½, Survey No.136/11B2 to an extent of Acre 0.05 situated at Nachikurichi Village, Trichy District, on the basis of the petitioner's representation dated 21.10.2020 within a time frame to be stipulated by this Court.

For Petitioner : Mr.P.Krishnasamy
For Respondents : Mr.M.Lingadurai,
Special Government Pleader.

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the third respondent to issue patta in the name of the petitioner in respect of the properties comprised in Survey No.135/5 measuring an extent of 2.64 cents, Survey No.136/11B1 measuring an extent of 0.39 ½ cents, Survey No.136/11B2 measuring an extent of 0.05 acres situated at Nachikurichi Village, Trichy District based on the petitioner's representation dated 21.10.2020 within a time frame to be fixed by this Court.

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2. The petitioner claims that by virtue of a Will, he has become the owner of the aforementioned properties. He has submitted a representation on 21.10.2020 with the third respondent seeking for issuance of patta in his name. Since the said representation has not been considered till date, he has filed this Writ Petition.

3. Heard Mr.P.Krishnasamy, learned counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents.

4. The petitioner has claimed ownership of the aforementioned properties by virtue of a Will dated 12.07.1995. A copy of the Will has also been filed along with the Writ Petition. It is for the respondents to consider the same on merits and in accordance with law and decide as to whether the petitioner is entitled for patta or not, after hearing all the necessary parties including the petitioner. No prejudice would be caused to the respondents, if such an exercise is done.

5. Accordingly, this Court directs the third respondent to consider the petitioner's representation dated 21.10.2020 seeking for issuance of patta in his name for the properties comprised in Survey No.135/5 measuring an extent of 2.64 cents, Survey No.136/11B1 measuring an extent of 0.39 ½ cents, Survey No.136/11B2 measuring an extent of 0.05 acres situated at Nachikurichi Village, Trichy District 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 and also after affording a fair hearing to any other necessary party whom the third respondent deems fit to enquire, within a period of three (3) months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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.

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To

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Trichy.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Trichy,
Trichy District.

3.The Tahsildar,
Srirangam Taluk,
Trichy District.

+1 CC to M/s.SPL GP (SR-14938[F] dated 28/03/2022)

+1 CC to M/s.P.KRISHNASAMY, Advocate (SR-15194[F] dated 29/03/2022)

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