



**W.P.(MD).No.19271 of 2022**

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 28.09.2022**

**CORAM**

**THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN**

**W.P(MD)No.19271 of 2022**

Backialakshmi

... Petitioner

vs.

1. The District Collector,  
Madurai District,  
Madurai.
2. The Revenue Divisional Officer,  
Madurai,  
Madurai District.
3. The Tahsildar,  
Madurai South Taluk Office,  
Madurai District.

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to issue Patta in petitioner's name in respect of house plot extent of 2 cents and 29 Square feet area, within the bounds of 3 acres 96 cents in Resurvey No.91/2, Avaniyapuram Village, Madurai South Taluk, Madurai District, based on the petitioner's representation dated 04.02.2021 and 14.08.2022.



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For Petitioner : Mr.R.Manoharan

For Respondents : Mr.N.Ramesh Arumugam  
Government Advocate

### **ORDER**

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the third respondent to issue Patta in respect of petitioner's house plot to an extent of 2 cents and 29 Square feet area, within the bounds of 3 acres 96 cents in Resurvey No.91/2, Avaniyapuram Village, Madurai South Taluk, Madurai District, based on his representation dated 04.02.2021 and 14.08.2022.

2. The case of the petitioner is that she has purchased the land in Resurvey No.91/2 to an extent of 3 acres and 96 cents situated at Avaniyapuram Village, Madurai Taluk, Madurai District and constructed a house and obtained an electricity connection from TANGEDCO. In the circumstances, the petitioner has made representations dated 04.02.2021 and 14.08.202, to the third respondent seeking Patta in her name. But, he has not taken any steps to issue Patta to the petitioner. Subsequently, the



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petitioner's husband sent a letter to the third respondent under RTI on 09.03.2021. The third respondent replied that the petitioner's application was forwarded to the Zonal Deputy Tahsildar for issuance of Patta. However, there is no response till date. Hence, the petitioner has filed the present writ petition seeking direction to the third respondent to issue Patta to the petitioner's property in Resurvey No.91/2.

3. The learned Government Advocate appearing for the respondents would submit that already an order has been passed by the Tahsildar, Madurai South, on 23.09.2022 in Na.Ka.No.4750/2022/P1, stating that the petitioner's document does not have a link and the said land has been classified in the Register as open vacant space. Hence, they could not issue Patta to the petitioner.

4. The learned counsel appearing for the petitioner would submit that the petitioner would challenge the said order passed by the authorities as she has purchased the land for a valid consideration by registered sale deed.



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5. Considering the above said submissions, this Court finds that as per statement, the petitioner has constructed the house and the classification in the revenue records shows as vacant space and in which survey number construction has been done by the petitioner and no evidence has been produced to the effect that the house stands there. As the respondents have passed an order stating that the request of the petitioner cannot be considered as it is a vacant site, the writ petition is dismissed. However, it is left open to the petitioner to approach the concerned authority by filing required documents to issue Patta. No costs.

**28.09.2022**

Index:Yes/No

Internet:Yes/No

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To

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**V.BHAVANI SUBBAROYAN,J.**

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