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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 05.09.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.21103 of 2022

V.Mohana ... Petitioner

Vs

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Athur Taluk, Dindigul 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 second respondent to grant patta to the petitioner's house situated in Survey No.1356/8 at Padiyur Village, Vedasanthur Taluk, Dindigul District, within a stipulated time.

For Petitioner :Mr.A.Chandrakumar
For Respondents :Mr.A.Kannan
Additional Government Pleader

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ORDER

The Petitioner herein is the resident of 7/14, Padiyur Village, Vedasanthur Taluk, Dindigul District and seeking for Writ of Mandamus directing the second respondent to grant patta to her house situated in Survey No.1356/8 at Padiyur Village, Vedasanthur Taluk, Dindigul District.

2.Mr.A.Kannan, learned Special Government Pleader takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The petitioner submits that her husband had constructed a house in the year 2011, which stood in the name of her father-in-law, namely Vellaiyan, who had died in the year 1981. Thereafter, partition was made among the siblings of the petitioner, wherein an old tiled house was allotted to her husband, in which, he had constructed a new house. Subsequently, a release deed had been executed in favour of the petitioner's husband on 04.12.1997, who in turn had executed a settlement deed in favour of the petitioner on 30.06.2017. Thereafter, the petitioner has sent an application to the second respondent for granting patta in her favour, which has not been considered by the concerned authority. Hence, the petitioner was constrained to file a civil suit in O.S.No.

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236 of 2018 before the Sub Court, Vedasanthur, seeking for declaration and injunction. After conducting an enquiry, the Sub Court, Vedasanthur allowed the suit filed by the petitioner on 26.08.2021. No appeal has been filed against the said decree. Thereafter, the petitioner has again filed an application before the second respondent on 18.10.2021, requesting to grant patta, which has not been considered by him. Hence, the petitioner filed the present writ petition.

4.The learned Additional Government Pleader appearing for the respondents has produced a copy of the proceedings of the Tahdildar, Vedasanthur, dated 03.09.2022 and submitted that the Tahsildar is not a competent authority and the petitioner has to approach the District Revenue Officer, Dindigul, for issuance of patta. He further submitted that the Tahsildar, Vedachandur, has sent a proposal to the Revenue Divisional Officer, Palani, on 01.12.2021, granting approval for issuing patta to the petitioner.

5.In view of the above said facts and circumstances, the petitioner is directed to give a fresh representation to the District Revenue Officer, Dindigul, for issuance of patta. On receipt of such representation, the District Revenue Officer, Dindigul, is directed to consider the petitioner's case on its own merits and pass appropriate orders, based on the proceedings issued by the Tahsildar,

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Vedasanthur, dated 03.09.2022, within a period of sixteen (16) weeks from the date of receipt of such representation.

6.With the above directions, this Writ Petition stands disposed of. No costs.

05.09.2022

Index : Yes/No
Internet:Yes/No
Rmk

To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Athur Taluk, Dindigul District.

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V.BHAVANI SUBBAROYAN,J.,

Rmk

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