



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.6306 of 2014

1.S.Arokiamary (Died)

2.Mariaselvam

... Petitioners

3.A.Melchior Amstrong

... Petitioner

(Petitioner No.3 is brought on record as legal heir of the deceased first petitioner vide Court order, dated 26.09.2022 in W.M.P(MD)No.5886 of 2019)

Vs.

1.The District Collector,
Thanjavur District.

2.The Tahsildhar,
Thanjavur Taluk Office,
Thanjavur District.

3.Savarimuthu

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the second respondent to consider the representation, dated 01.10.2012 and to issue patta in favour of the petitioners regarding the property comprised in R.S.No.560/1A, admeasuring 0.16.0 ares in Kangeyampatti Vattam, Kottarapatti Village, Thanjavur Taluk, Thanjavur District.

For Petitioner : M/s.P.Sesubalan Raja

For R-1 & R-2 : M/s.A.Baskaran
Additional Government Pleader

For R-3 : No appearance

ORDER

The present Writ Petition has been filed seeking a Writ of Mandamus, directing the second respondent to consider the



representation of the petitioners, dated 01.10.2012 and the patta in their favour for property comprised in R.S.No.560/1A admeasuring 0.16.0 ares in Kangeyampatti Vattam, Kottarapatti Village, Thanjavur Taluk, Thanjavur District.

2. The property was purchased by the first petitioner's father in execution proceedings. After his death, it devolved upon the first petitioner's mother. Thereafter, Arokiamary, who is the sister of the second petitioner had passed away and her son has been impleaded as the third petitioner herein. The third respondent herein started disturbing their possession. Hence, O.S.No.313 of 2008 was filed by the original petitioners herein before the District Munsif Court, Thanjavur. The suit was dismissed on 17.03.2011. Thereafter, the petitioners have filed A.S.No.38 of 2011 before the Principal Subordinate Court, Thanjavur. The appeal was allowed on 23.12.2011. Thereafter, the third respondent herein has not filed any appeal for the past eleven years. Hence, the said decree for permanent injunction has become final. Thereafter, the petitioners have approached the second respondent for grant of patta. However, no orders were passed. Hence, the present writ petition.

3. Though the third respondent has been served and name is printed in the cause list, there is no appearance either in person or through Advocate. In view of the above said facts, this Court directs the second respondent to consider the request of the petitioners for grant of patta for an extent of 0.16.0 ares in R.S.No.560/1A in Kangeyampatti Vattam, Kottarapatti Village, Thanjavur Taluk, Thanjavur District, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

4. The writ petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (C.O)

// True Copy //

/11/2022

Sub Assistant Registrar(CS)

btr

To

1.The District Collector,
Thanjavur District.



W.P(MD)



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2.The Tahsildhar,
Thanjavur Taluk Office,
Thanjavur District.

+1 CC to M/s.SPL.GP (SR-47216[F] dated 27/09/2022)

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W.P(MD)No.6306 of 2014

26.09.2022

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