



W.P.(MD)No.24958 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.24958 of 2022

S.Yesu Micheal

.. Petitioner

Versus

The Tahsildar,
Manur Taluk,
Manur,
Tirunelveli District.

.. Respondent

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to grant Patta in petitioner's name for the property, situated in Tirunelveli District, then Tirunelveli Taluk, now Manur Taluk, Pallikottai Village, Alavanthankulam, Ayan Punja Survey Nos.76/1A10 and 76/1A3, to an extent of 5.50 Ares and 6.00 Ares, respectively, based on the petitioner's representation dated 06.05.2022.

For Petitioner : Mr.T.Selvan

For Respondent : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondent to grant Patta in his name for the property, situated at

Tirunelveli District, then Tirunelveli Taluk, now Manur Taluk, Pallikottai



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Village, Alavanthankulam, Ayan Punja Survey Nos.76/1A10 and 76/1A3, measuring an extent of 5.50 Ares and 6.00 Ares, respectively, based on his representation dated 06.05.2022.

2. According to the petitioner, the subject matter of property, bearing S.Nos.76/1A10 and 76/1A3, measuring an extent of 5.50 Ares and 6 Ares respectively, originally belonged to his brother – Antony Muthu. The Patta, bearing No.125, in respect of the said property stands in the name of the petitioner's brother. When the petitioner's brother was alive, he had filed a suit in O.S.No.41 of 2015, on the file of the Principal District Munsif Court, Tirunelveli, against one Savarimuthu, in respect of the property in S.No. 76/1A10. During the pendency of the suit, the petitioner's brother died, leaving behind the petitioner as his legal heir. Hence, the petitioner was impleaded in the suit as legal representative of his deceased brother and thereafter, on 03.10.2019 the petitioner obtained a decree in his favour. Aggrieved over the same, the said Savarimuthu filed an appeal in A.S.No.144 of 2019 before the Additional Subordinate Judge, Tirunelveli. After contest, the said appeal was dismissed on 28.09.2020. Now, the subject matter of property belongs to the petitioner. Hence, the petitioner sent a representation to the respondent on 06.05.2022 to change the Patta in respect of the said properties in his name. However, the same has not been considered by the



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respondent so far. Therefore, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

3. The learned Additional Government Pleader appearing for the respondent, on instructions, submitted that the respondent has already sent an enquiry notice dated 22.03.2022 to the petitioner, directing him to appear on 08.04.2022 along with all the relevant documents. However, the petitioner did not turn up. If the petitioner produces the death certificate and legal heirship certificate of his deceased brother, his request will be considered and appropriate orders will be passed.

4. Recording the aforesaid submission made by the learned Additional Government Pleader appearing for the respondent, this Court, without going into the merits of the matter, directs the petitioner to appear before the respondent on the date to be fixed by him and produce all the relevant documents. On receipt of the said documents, the respondent shall consider the request of the petitioner for change of Patta and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to all the necessary parties concerned, as expeditiously as possible.



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5. This Writ Petition stands disposed of with the above direction. No costs.

Index : Yes/No
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To
The Tahsildar,
Manur Taluk,
Manur,
Tirunelveli District.



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V.BHAVANI SUBBAROYAN, J.

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