



W.P.(MD)No.26269 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W/.P. (MD) No.26269 of 2022

K.Nagamani

.. Petitioner

Vs.

The Tahsildar,
Thiruparankundram Taluk Office,
Thirunagar,
Madurai-625 006.

.. Respondent

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondent to issue patta in the petitioner's favour in respect of the property in Ward No.XXII, Block No. 33, T.S.No.241/1, Old Survey No.223/6 to the extent of 48 cents out of 96 cents situated at Madakulam Village, Thiruparankundram Taluk, Madurai District by considering the petitioner's representation dated 31.10.2020 within a stipulated period as framed by this Court.

For Petitioner	:	Mr.P.Balamurugan
For Respondent	:	Mr.K.Christy Theboral Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents to issue patta in petitioner's favour in respect of the property in Ward No.XXII, Block No.33, T.S.No.241/1, Old Survey No.223/6



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to an extent of 48 cents, out of 96 cents situated at Madakulam Village, Thiruparankundram Taluk, Madurai District by considering the petitioner's representation, dated 31.10.2020 within the stipulated period to be framed by this Court.

2.Heard Mr.P.Balamurugan, learned counsel for the petitioner and Mr.K.Christy Theboral, learned Additional Government Pleader, who takes notice for the respondent. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3.The grievance of the petitioner is that the land in Survey No.223/6 to an extent of 96 cents situated at Madakulam Village, Thiruparankundram Taluk, Madurai District originally belongs to the grandfather of the petitioner's husband. After the demise of the grandfather and the father of the petitioner's husband, the petitioner got right over the property. Based on the same, he executed a settlement deed in favour of the petitioner herein. Thereafter, the petitioner applied for grant of patta. But the same was not considered till date.

4. The learned counsel for the petitioner submitted that the petitioner has got right over the property by way of a registered settlement deed executed by her husband. She applied for patta to the respondent on 25.04.2008. The



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respondent forwarded the same to the Village Administrative Officer for enquiry. The Village Administrative Officer also enquired the same and submitted a report to the Tahsildar. Thereafter, the respondent directed the petitioner for enquiry. Even though the petitioner appeared and submitted all the relevant documents, the respondent has not taken any action to issue patta. Since no action has been taken, she filed W.P.(MD)No.11040 of 2011 and obtained an order of direction to the respondent to issue patta. He also made a representation to the respondent on 31.10.2020 by narrating all the facts. Even thereafter, the respondent did not take any action to issue patta to the petitioner till date. Hence, the petitioner has approached this Court again with the aforesaid prayer.

5.The learned counsel appearing for the petitioner would submit that it would suffice to issue a direction to the respondent to consider the petitioner's representation, dated 31.10.2020.

6.No prejudice would be caused to the respondent, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner, as well as any other necessary party, whom the respondent deems fit to enquire.



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7.Considering the above said submissions, this Court, without expressing any opinion on the merits of the matter, directs the respondent to consider the petitioner's representation dated 31.10.2020 and pass appropriate orders, on merits and in accordance with law, after affording a fair hearing to the petitioner, as well as any other necessary party, whom the respondent deems fit to enquire, within a period of eight [8] weeks from the date of receipt of a copy of this order.

8.With the above direction, this Writ Petition is disposed of. No costs.

21.11.2022

Index : Yes/No
Internet : Yes/No
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To

The Tahsildar,
Thiruparankundram Taluk Office,
Thirunagar,
Madurai-625 006.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
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