



W.P.(MD)No.20996 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.20996 of 2021

1.Murugeswari
2.Thangaraj

... Petitioners

-VS-

1.The Revenue Divisional Officer,
Aruppukkottai, Virudhunagar District.

2.The Tahsildar,
Aruppukkottai, Virudhunagar District.

3.Muthulakshmi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to issue the Patta in the name of the first petitioner for the property situated in Survey No. 502/5B at Chathirareddiapatti Village of Virudhunagar Taluk, Virudhunagar District and on the basis of first petitioner's representation dated 03.05.2021.

For Petitioners : Mr.G.Mariappan

For R1 and R2 : Mr.K.S.Selvaganesan
Additional Government Pleader

For R3 : Mr.M.Ponniah



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ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the first respondent to deal with the representation dated 03.05.2021, wherein the first petitioner is seeking for cancellation of Patta granted in favour of the third respondent and for issuance of Patta in her name.

2. The first petitioner is claiming ownership over the property by virtue of the gift deed executed by the second petitioner on 09.06.2006. It was also brought to the notice of this Court that the second petitioner died during the pendency of this Writ Petition. The Patta has been granted in favour of the third respondent through proceedings dated 28.03.2013, by the first respondent. Subsequent to the same, the third respondent had filed a suit for permanent injunction in O.S.No.13 of 2014 before the District Munsif Court, Virudhunagar and the said suit seems to be dismissed, by judgment dated 19.04.2018, after finding that the petitioners are in possession and enjoyment of the property. In the light of the subsequent development, the first petitioner sent a representation to the first respondent on 03.05.2021 to issue



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Patta in her favour. Since the same was not considered, the present Writ Petition was filed before this Court.

3. Heard the learned counsel appearing on behalf of the petitioners, the learned Additional Government Pleader appearing on behalf of the respondents 1 and 2 and the learned counsel appearing on behalf of the third respondent.

4. Taking into consideration the facts and circumstances of the case and the materials that were placed before this Court, there shall be a direction to the first respondent to deal with the representation made by the first petitioner on 03.05.2021, on its own merits and in accordance with law and by taking into consideration the decree that was passed by the Civil Court in O.S.No.13 of 2014 after affording an opportunity to the first petitioner and the third respondent and pass final orders within a period of eight weeks from the date of receipt of a copy of this order.

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

NCC : Yes/No
Index : Yes/No

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N.ANAND VENKATESH, J.

SMN2

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