



W.P.(MD)No.21025 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.21025 of 2021

G.Malathi

... Petitioner

-VS-

The Tahsildar,
Sivagangai Taluka Office,
Sivagangai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to grant Patta to petitioner and her siblings for the lands in Survey No.5/3, an extent of 0.43.5 Ares in Chinnakadalan Village, Arasani Group Panchayat, Sivagangai District, by considering the petitioner's application submitted along with gift settlement deed, dated 04.03.2019, as per G.O.(Ms)No.84 dated 04.02.2020 and for other such reliefs within the period stipulated by this Court.

For Petitioner : Mr.S.Atham Ali

For Respondent : Mr.A.K.Manikkam
Special Government Pleader



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ORDER

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This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondent to grant Patta to the petitioner and other legal heirs with respect to the property in Survey No.5/3, measuring an extent of 0.43.5 Ares at Chinnakadalan Village, Arasani Group Panchayat, Sivagangai District.

2. The case of the petitioner is that the petitioner and her sisters are in possession and enjoyment of the subject property in Survey No.5/3 and they are cultivating the lands. A settlement deed was executed on 04.03.2019 by the mother of the petitioner and it was also registered as Document No.424 of 2019. According to the petitioner, Patta No.1227 stood in the name of her mother and hence, the petitioner sought for transfer of Patta in her name. Since the same was not considered, the present Writ Petition has been filed before this Court.

3. Heard the learned counsel appearing on behalf of the petitioner and the learned Special Government Pleader appearing on behalf of the respondent.

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4. The application that was said to have been submitted by the petitioner does not find place in the typed set of papers. It is therefore not clear as to when the application was submitted by the petitioner before the respondent. The respondent has filed a counter affidavit and has taken a stand that Survey No.5/3 was subsequently sub-divided as Survey Nos.5/3A and 5/3B and that the petitioner is eligible to claim Patta only for Survey No. 5/3A.

5. In view of the above, it is left open to the petitioner to make a fresh online application before the respondent seeking for Patta, by taking into consideration the sub-division of the property along with all the relevant documents. On receipt of the same, it is left open to the respondent to deal with the application on its own merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of the application from the petitioner.

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

NCC : Yes/No
Index : Yes/No

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To

The Tahsildar,
Sivagangai Taluka Office,
Sivagangai District.



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N.ANAND VENKATESH, J.

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