



W.P(MD)No.21479 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21479 of 2023

and

W.M.P.(MD)No.17867 of 2023

P.Kalaiyarasi

... Petitioner

Vs.

1.The District Collector,
Tenkasi District.

2.The Tahsildar,
Sankarankoil Taluk,
Tenkasi District.

3.The Jamapanthiyalar,
Taluk Office,
5GGW+WR3, Thiruvengadam Road,
Near New Bus Stand, Sankarankoil,
Tenkasi District.

4.Varatharajan

... Respondents

*(R4 is suo motu impleaded vide order dated
10.10.2023 in W.P.(MD)No.21749 of 2023
by GRSJ)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to



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call for the records pertaining to the Impugned Order in REVSKL/2027/2023-B3 in Jamabanthi Manu 34/5515966 dated 13.06.2023 on the file of 2nd Respondent and quash the same as illegal and further directing the 2nd respondent to grant patta in petitioner's name for the property situated in Shenbagapuram, Periyur Revenue Village, Sankarankoil Taluk, Tenkasi District comprised in S.No.854/3 for a total extent of 00086 sqmt by considering the Petitioner's representation dated 24.05.2023.

For Petitioner : Mr.K.Kanagaraj

For Respondents : Mr.C.Satheesh,
Government Advocate for R1 to R3.

ORDER

Heard the learned counsel for the writ petitioner and the learned Government Advocate for the respondents 1 to 3. Though the fourth respondent has been served and his name is printed in the cause title, he has not chosen to enter appearance.

2.The only relief sought for by the petitioner is for grant of patta in her favour in respect of the petition mentioned premises. The petitioner's request was negatived since the fourth respondent had lodged his objection.



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3.The fourth respondent is none other than the brother of the petitioner's husband. The petitioner categorically states that for the last 30 years, she is residing in the petition mentioned house. The house was constructed by her husband late.Ponnudurai. He passed away in the year 2018. The electricity service connection has been obtained and it is in the name of Ponnudurai. The property has been assessed to house tax. The assessment is in the name of Ponnudurai.

4.The land in question is a natham land. Therefore, the occupant is entitled to patta. The materials on record clearly show the petitioner's possession and enjoyment. The fourth respondent has not appeared before this Court to controvert the petitioner's assertion.

5.Merely because objection has been received, the petitioner's request could not have been rejected. Since in the impugned order, the only reason set out for rejecting the petitioner's request is the objection received from the fourth respondent, in view of the facts as mentioned above, I have no hesitation to set out the impugned order. The impugned



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order is set aside and the second respondent is directed to issue patta in favour of the petitioner in respect of the petition mentioned premises.

This shall be done as expeditiously as possible.

6.This writ petition is allowed accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

01.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

1.The District Collector,
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G.R.SWAMINATHAN, J.

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