



WP(MD)No.7024 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)No.7024 of 2016

Siraj Nisha Beevi

... Petitioner

Vs

1.The District Collector,
Ramanathapuram,
Ramanathapuram District.

2.The Tahsildar,
Taluk Office,
Thiruvadanai,
Thiruvadanai Taluk,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the 2nd respondent to issue joint patta in petitioner and her brothers favour for the land properties in Survey Nos.130/6, 130/7, 131/1 and issue separate patta in petitioner and her brothers favour for the landed properties in Survey Nos.322/9 for an extent of 00135 Sq.Meter and Survey No.322/8 for an extent of 00115 Sl.Meter in Ananthoor Village and Group, Thiruvadanai Taluk, Ramanathapuram District.



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For Petitioner : Mr.J.M.Hassanul Bazari
For Respondents : Mr.A.Kannan,
Additional Government Pleader

ORDER

This writ petition is filed for a writ of mandamus directing the respondents to issue joint patta in Survey Nos.130/6, 130/7, 131/1 and to issue separate patta in Survey Nos.322/9 to an extent of 00135 Sq.Meter and Survey No.322/8 to an extent of 00115 Sq.Meter in Ananthoor Village and Group, Thiruvadanai Taluk, Ramanathapuram District.

2.The case of the petitioner is that the properties in Survey Nos.130/6, 130/7, 131/1, 322/9 and 322/8 in Ananthoor Village and Group, Thiruvadanai Taluk, Ramanathapuram District, originally belong to their ancestor one Kather Meeran. After his death one Varusai Pathu Ammal daughter of Kather Meeran executed a registered settlement deed in favour of this petitioner's mother one Meer Pathu Beevi. However, the patta stands in the name of one Mohammed Maideen. Therefore,

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the petitioner's mother filed a civil suit in OS.No.63 of 2006 before the learned District Munsif cum Judicial Magistrate, Thiruvadanai for the relief of declaration and bare injunction as against one Kather Sulthan and Abdul Razak. The suit was partially decreed in favour of the petitioner's mother, by judgment and decree dated 10.01.2009. As against the judgment dated 10.01.2009, the 2nd defendant one Abdul Razak filed an appeal in AS.No.20 of 2009 before the Sub Court, Ramanathapuram. In the appeal, the judgment and decree passed in OS.No.63 of 2006 was partially modified.

3.The grievance of the petitioner is that though this petitioner has applied for change of patta based on the decree obtained by her, it was not considered by the authority concerned. Therefore the petitioner's mother filed a writ petition before this Court in WP(MD)No.18048 of 2014 and the same was allowed by this Court by order dated 11.12.2014 with a direction to the 2nd respondent therein to consider the petitioner's representation within a stipulated time. Even then the respondents have not



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passed any orders. While so the petitioner's mother Meer Pathu Beevi died on 26.06.2015. Therefore this writ petitioner has filed this writ petition.

4.The learned Additional Government Pleader appearing for the respondents based on the written instruction from the Tahsildar, Rajasingamangalam submits that Ananthoor Village was earlier in Thiruvadanai Taluk. The Government has established new Taluk viz., Rajasingamangalam Taluk and therefore, Ananthoor Village now comes under Rajasingamangalam Taluk and they would pass appropriate orders within a reasonable time.

5.The learned Additional Government Pleader further submits that the patta for the property in S.Nos.130/6 and 130/7 initially stood in the name of one Kather Sulthan, S/O.Mohamed Maideen. Subsequently it was transferred to the name of Hasan Pasari, S/O.Mohamed Aftahir and now it stands in the name of Ibrahim Gani, S/O. Mohamed Sulthan.



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6.This Court considered the rival submissions and perused the materials placed on record.

7.The petitioner's mother has filed a civil suit in OS.No.63 of 2006 before the District Munsif and Judicial Magistrate Court, Thiruvadanai and on appeal filed by the defendant in AS.No.20 of 2009 the judgment and decree passed in OS.No.63 of 2016 was partially modified by the Sub Court, Ramanathapuram. The petitioner's mother has approached this Court for change of patta in the year 2015 and after the death of the petitioner's mother, this present writ petition is filed by the petitioner.

8.Though this writ petition is pending from the year 2016, the respondents have not taken any decision based on the petitioner's representation and they have also not filed any counter before this Court. Therefore, this writ petition is allowed with a direction to the petitioner to submit a representation along with all necessary documents within a period of two weeks from the date of receipt of a copy of this order to the Tahsildar, Rajasingamangalam, who in turn shall take a decision on the



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petitioner's representation to be submitted within a period of eight weeks therefrom on merits and in accordance with law, after affording necessary opportunity to all the interested parties. No costs.

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Internet : Yes / No

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To

- 1.The District Collector,
Ramanathapuram,
Ramanathapuram District.
- 2.The Tahsildar,
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Thiruvadanai,
Thiruvadanai Taluk,
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B. PUGALENDHI, J.

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