



W.P.(MD) No.3177 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.3177 of 2020

Monic Amudha

... Petitioner

/vs./

1.District Collector,
Tirunelveli District,
Tirunelveli.

2.Sub Collector,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Radhapuram Taluk,
Radhapuram,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to issue separate Patta in the petitioner's name to the land admeasuring cents 21.50 out of Acre 1 Cents 88 in Survey No. 2398/1, Bounded by (North) Odai, (East) land of Appavu Nadar, (South) land of Raasiah, (west) road at Perungudi Village, Radhapuram Taluk, Tirunelveli District by considering petitioner's representation dated 04.12.2019.



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For Petitioner : Mr.S.R.Anbarasu

For Respondents : Mr.D.Ghandiraj
Special Government Pleader

ORDER

The petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution of India for the issue of Writ of Mandamus directing the respondents to issue a separate patta in the petitioner's name to the land in S.No. 2398/1 by considering the petitioner's representation dated 04.12.2019.

2.It is the case of the petitioner that the property has been bequeathed to one Sudalaimuthu Nadar under a Will dated 28.07.1997 of Sudalaimada Nadar. After the death of Sudalaimada Nadar, Sudalaimuthu Nadar became the absolute owner of the property and he had sold the property to the petitioner under a registered sale deed dated 17.10.2007 for valid consideration. The property was also handed over on the very same day to the petitioner. After the purchase, the petitioner had got the revenue records mutated by including her name in the joint patta No.3030.



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3. Thereafter, the petitioner had approached the bank for a loan and the bank authorities wanted the petitioner to produce the patta standing in her individual name with reference to the property purchased by her. Therefore, the petitioner had made a representation to the respondents to demarcate, sub-divide and assign a separate patta to her. This request was not acceded to by the respondents. Therefore, the present writ petition has been filed.

4. The learned Special Government Pleader for the respondents would submit that the petitioner has not proved the Will executed by Sudalaimada Nadar to Sudalaimuthu Nadar and therefore, the mutation cannot take place.

5. This argument *per se* appears to be incorrect for the simple reason that the petitioner is the purchaser from the erstwhile owner, to whom the property has been bequeathed as early as in the year 1990. There is no other impediment or objections to the survey, demarcation or grant of patta. Further, the provisions of the Tamil Nadu Survey and Boundaries Act, 1923, contemplates the publication of a notification inviting all person interested to be present at the time of survey



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to point out the boundaries and supply any information connected therewith. If no objections are received, then the respondents are bound to issue the patta to the petitioner, who has proved that she has the legal right to the said property.

6.In the result, the Writ Petition is allowed. The third respondent is directed to issue patta to the petitioner within a period of six weeks from the date of receipt of a copy of this order by following due process of law. However, there shall be no order as to costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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17.03.2023

To

1.District Collector,
Tirunelveli District,
Tirunelveli.

2.Sub Collector,
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3.The Tahsildar,
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P.T.ASHA, J.

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