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WP.No.19879 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **22.07.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.19879 of 2024

A.Lakshmi

.. Petitioner

Versus

1. The District Collector,
Chengalpet, Chengalpet District.
2. The Revenue Divisional Officer, Revenue Divisional Office,
Madhuranthakam, Chengalpet District.
3. The Tahsildar, Madhurantakam Taluk Office,
Madhuranthakam, Chengalpet District.
4. The Zonal Deputy Tahsildar, Madhurantakam Taluk Office,
Madhuranthakam, Chengalpet District.
5. G.Kandasamy
6. Bhanumathi
7. Lakshmi
8. Karpagam
9. Sudha
10. Saranya
11. Nithyanandam

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 2 to 4 to consider representation of the petitioner dated 07.02.2024 to grant patta in favour of the petitioner and respondent 6 to 11 legal heirs of Kumaraswamy [Deceased] as per



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Will dated 17.03.1983 and Preliminary Decree passed in O.S.No.97/1996 dated 07.02.2005 [on the file of the District Munsif Court, Maduranthagam] and to conduct a resurvey of Old Nanjai Survey No.317/2A3A3B to an extent of 1.07 cents present Survey No.317/2B patta No.81, Maddur Village, Maduranthagam Taluk, Chengalpet District and the said Survey number afresh by effecting necessary change in the revenue records and to grant computerized patta to the writ petitioner in respect of land belonging to her in Survey No.317/2B to an extent of 1.07 cent.

For Petitioner : Mr.M.Balasubramanian

For Respondents : Mr.P.Sathish
Additional Government Pleader – R1 to R4

ORDER

Since no adverse Order has been passed against the respondents 5 to 11, notice to them is dispensed with. With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This Writ Petition is filed to direct the respondents 2 to 4 to consider representation of the petitioner dated 07.02.2024 to grant patta in favour of the petitioner and respondent 6 to 11 legal heirs of Kumaraswamy [Deceased] as per Will dated 17.03.1983 and Preliminary Decree passed in O.S.No.97/1996 dated 07.02.2005 [on the file of the District Munsif Court, Maduranthagam] and to conduct a resurvey of Old Nanjai Survey No.317/2A3A3B to an extent of 1.07



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cents present Survey No.317/2B patta No.81, Maddur Village, Maduranthagam Taluk, Chengalpet District and the said Survey number afresh by effecting necessary change in the revenue records and to grant computerized patta to the writ petitioner in respect of land belonging to her in Survey No.317/2B to an extent of 1.07 cent.

3. Heard learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

4. The case of the petitioner is that she filed a suit in O.S.No.97 of 1996 before the District Munsif Court, Madhuranthakam for partition and declaration and in the said suit preliminary decree was passed on 07.02.2005 in favour of the writ petitioner and the trial Court passed an eviction Order against the fourth respondent. As against which, the fourth respondent filed an appeal in A.S.No.93 of 2003 which has been dismissed by the Sub Court Madhuranthakam on 16.07.2009 and the same has been challenged before this Court in a Second Appeal in S.A.No.94 of 2010 and the same has been withdrawn on 04.10.2021. Therefore, the petitioner has given a representation to the respondents for mutation of revenue records and to grant computerized patta in favour of the petitioner and the same has not been considered by the respondents till date.



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Hence, the present Writ Petition.

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5. It is the contention of the petitioner that as per the preliminary decree passed in O.S. 97 of 1996, rights of the petitioner has been declared and the second appeal filed as against the decree and judgment has been withdrawn in the year 2023, she gave a representation to the respondents for mutation of revenue records in favour of the petitioner. Even as per the affidavit filed by the petitioner, the fifth respondent has filed a suit and the same is pending. In such view of the matter, it is for the petitioner to file appropriate application to get her share allotted as per the preliminary decree and thereafter can approach the respondents for mutation of records.

6. With the above direction, this writ petition is disposed of. No costs.

22.07.2024

vrc

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

<https://www.mhc.tn.gov.in/judis>



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N. SATHISH KUMAR, J.

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