



W.P.No.31982 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.31982 of 2024

Asarappunnisa

...Petitioner

Vs.

1.The District Collector
Kallakurichi.

2.The Zonal Deputy Tahsildar
Chinnasalem Taluk,
Kallakurichi District.

...Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Mandamus, directing the respondent to consider the application submitted by the petitioner in Application No. 2024 / N103 / 33 / 005188 dated 10.08.2024.



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For Petitioner : Ms. R.Poornima
For Respondents : Mr. A.Selvendran
Special Government Pleader.

ORDER

Seeking mandamus to the respondents to consider her application dated 10.08.2024, which has not been considered to date, the petitioner is before this Court.

2. It is the case of the petitioner that the property measuring an extent of 11 cents in S.No.361/12 A, China Salem Taluk, Kallakurichi District, belonged to her father Ajmudeen Sayabu. He was in possession and enjoyment of the property. The service connection, water supply and sewage connection have all been given in the property. After the demise of her father, her brother Muhammad Ali Jinnah and mother, Mahabubbee, were in enjoyment of the property.



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3. During her brother's lifetime, he had assured that the property would be partitioned and the petitioner would be given a share. He had died suddenly on 01.03.2022 leaving behind his wife, Saitabanu, sons Ziauddin and Abdul and daughter Sarambee, as his surviving legal representatives. Though he had informed his legal representatives that the petitioner had a share in the property, after his lifetime his legal representatives had fraudulently created a registered partition deed dated 23.05.2023, in respect of the aforesaid property which is the self acquired property of the petitioner's father. They had also obtained patta in Patta No.3638.

4. The petitioner on coming to know about the same, had immediately submitted objection to the issuance of patta and had sought for cancellation of the patta and requested that the petitioner's name be included in the patta. The petitioner would submit that to date the respondents have not taken up her application. Therefore, the Writ Petition.



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5. Heard the learned counsels on the either side and perused the records.

6. It is contended that the property in question is a self acquired property of the petitioner's father who had died intestate. Therefore, the petitioner as one of his legal representatives is entitled to be included in the patta. However, it appears that patta has been granted only in favour of the legal representatives of the petitioner's deceased brother.

7. The petitioner has also submitted a cancellation application as early as on 12.07.2024, to which the respondents have not even called the parties for enquiry. The respondents have failed to perform their statutory duty.

8. However, it is seen that the petitioner has not made an application to the competent authority under the Act. Therefore, while



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disposing of the Writ Petition, direction is issued to the petitioner to submit a representation to the Revenue Divisional Officer, who on receipt of the said representation shall dispose of the same. The representation shall be submitted within a period of 2 weeks from the date of receipt of a copy of this order and within 12 weeks therefrom the same shall be disposed of by following due process of law.

9. The Writ Petition is disposed of. No costs.

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Index : Yes/No
Internet : Yes/No
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To

1.The District Collector
Kallakurichi.

2.The Zonal Deputy Tahsildar
Chinnasalem Taluk,
Kallakurichi District.

3.The Revenue Divisional Officer,
Kallakurichi District.



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P.T. ASHA, J,

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