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WP.No.34836 of 2024

In the High Court of Judicature at Madras

Dated : 26.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.34836 of 2024

M.Susila

...Petitioner

Vs

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Dharmapuri.

3.The Tahsildar, Palakode
Taluk Office, Palakode,
Dharmapuri.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to issue patta in respect of the property situated at Gendanahalli Village, Palacode Taluk, Dharmapuri District comprised in Survey No.203/6 to an extent of 68 cents in the name of the petitioner based on the petitioner's representation dated 16.10.2024 within a stipulated period of time.

For Petitioner : Mr.M.Selvam



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For Respondents : Mr.A.Selvendran, SGP

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ORDER

Aggrieved by the fact that her representation dated 16.10.2024 given to the second respondent to issue patta in her name in respect of the property measuring 68 cents in Survey No.203/6, Gendanahalli Village, Palacode Taluk, Dharmapuri District, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the respondents.

3. From the averments contained in the affidavit filed in support of the writ petition, it appears that the said property fell to the share of the petitioner's husband pursuant to an oral partition between himself and his brother. Based on that the petitioner and her husband have been enjoying the said property, which fell to their share. Subsequently, the petitioner gave the said representation dated 16.10.2024 to the second respondent and others to issue a patta in her name in respect of the said property. However, the second respondent has not taken up the said representation. Hence the writ petition.



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4. Taking into consideration the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the second respondent to consider the petitioner's representation dated 16.10.2024 for the issuance of patta, verify the petitioner's title to the subject property, afford an opportunity of personal hearing and after following due procedure, pass appropriate orders thereon within a period of three months from the date of receipt of a copy of this order. Since the petitioner is claiming patta on the basis of an oral partition, notice may also be issued to the petitioner's brother in law and hear his objections. No costs.

26.11.2024

To

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Dharmapuri.

3.The Tahsildar, Palakode
Taluk Office, Palakode,
Dharmapuri.

RS



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P.T.ASHA,J

RS

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