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WP.No.36335 of 2024

In the High Court of Judicature at Madras

Dated : 06.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.36335 of 2024

S.Alamelu

...Petitioner

Vs

1.The District Collector, Salem
District, Salem-1.

2.The Revenue Divisional Officer,
Salem West, Salem District.

2.The Tahsildar, Salem West,
Salem District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents by considering the petitioner's representation dated 23.9.2024 to survey the land comprising in survey No.18/2 situated at Jagir Kamanaickenpatti Village, Thiruvagoundanoor, Salem Taluk, Salem and to provide joint patta in the names of the petitioner and her sisters - Ms.Rajeswari, Ms.Savithri and and Ms.Santhi.

For Petitioner : Ms.B.Dharani
For Respondents : Mr.S.Jayachandran, GA



WP.No.36335 of 2024

ORDER

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Seeking a Mandamus to the third respondent to consider her representation dated 23.9.2024 to conduct a survey and grant a joint patta in the names of the petitioner as well as her three sisters, the petitioner is before this Court.

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

3. The case of the petitioner is as follows :

(i) The petitioner and her sisters filed a partition suit in O.S.No. 1550 of 2004 on the file of the First Additional District Munsif Court, Salem in respect of the property measuring acre 1.82 cents comprised in S.Nos.18/2, Jagir Kamanaickenpatti Village, Thiruvagoundanoor, Salem Taluk, Salem District, in which, a preliminary decree was passed on 08.11.2005. Thereafter, when the interlocutory application filed for passing a final decree was pending before the Trial Court, the matter was referred to Lok Adalat, pursuant to which, a compromise final decree came to be passed on 20.12.2021, as per which, the petitioner and her three surviving sisters would be entitled to 1/5 share each in 61.58 cents. As per the said final decree, the legal heirs of deceased sister of the petitioner



WP.No.36335 of 2024

were also entitled to 1/5 share altogether in the said 61.58 cents.

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(ii) Based on the said final decree, the petitioner applied to the third respondent on 29.7.2024 for mutating the revenue records. Earlier, when the survey was attempted to be conducted, the tenant of the petitioner raised an objection. The petitioner also sent a representation dated 23.9.2024 to the third respondent seeking to conduct a survey and to issue a joint patta in the names of the petitioner and her three sisters. As it did not evoke any response, the writ petition has been filed.

4. The fact that a portion of the said property fell to the share of the petitioner and her surviving sisters is seen from the narration in the affidavit filed in support of the writ petition. Since the petitioner and her surviving sisters have a valid decree in their favour, she requested the third respondent to conduct a survey and issue a joint patta.

5. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the third respondent to conduct a survey in respect of S.No.18/2, Jagir Kamanaickenpatti Village, Thiruvagoundanoor, Salem Taluk, Salem District. The petitioner shall submit all the relevant records to show her title and



WP.No.36335 of 2024

the title of her surviving sisters to the said property and the third respondent shall, after issuing notice to the adjacent land owners and the other interested parties, hold an enquiry and thereafter, pass orders for surveying the said property and issuing a joint patta to the petitioner and her three sisters in respect of their share pursuant to the said compromise final decree dated 20.12.2021. The aforesaid exercise shall be completed within a period of three months from the date of receipt of a copy of this order. No costs.

06.12.2024

To

1.The District Collector, Salem
District, Salem-1.

2.The Revenue Divisional Officer,
Salem West, Salem District.

2.The Tahsildar, Salem West,
Salem District.

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WP.No.36335 of 2024

P.T.ASHA,J

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WP.No.36335 of 2024

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