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W.P.No.36204 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.36204 of 2024

PL.Lakshmi Narashimman

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Namakkal,
Namakkal District.

2. The Tahsildar,
Namakkal District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the respondents to restore the Patta to the name of the Petitioner's father in respect of the property bearing S.No.158/1B2 and situated at Vasanthapuram Village, Namakkal District based on the decree passed in O.S.No.633/2000 by the Principal District Munsif Court, Namakkal by considering the representation of the Petitioner dated 14.08.2024.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.P.Sathish
Additional Government Pleader



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ORDER

Mr.P.Sathish, learned Additional Government Pleader takes notice on behalf of the Respondents.

2. The above Writ Petition has been filed seeking for a Mandamus to the Respondents to restore the Patta to the name of the Petitioner's father in respect of the property bearing S.No.158/1B2 situated at Vasanthapuram Revenue Village, Namakkal Taluk & District on the basis of the Judgement and Decree passed in O.S.No.633 of 2000 on the file of the Principal District Munsif Court, Namakkal by considering the Petitioner's representation dated 14.08.2024.

3. It is the case of the Petitioner that the subject property was the ancestral property. The revenue records stood in the name of the Petitioner's family members. The property was subjected to proceedings under the Tamil Nadu Land Revenue (Fixation on ceiling on land) Act, 1961. Thereafter, the property was subdivided as S.No.158/1B2 to an extent of 1.08



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acres. Thereafter, without the knowledge of the Petitioner's father the property was further subdivided as S.No.158/13 to 155/54. Patta was also issued in favour of 36 persons and few of the allottees have also constructed houses in the said land. On the other hand, the Petitioner's father was left just with the lands measuring an extent of 7 cents in Sl.No.158/1B2. Therefore, the Petitioner has filed O.S.No.623 of 2000 on the file of the District Munsif Court, Namakkal to cancel the Patta and recover possession. By a Judgment and Decree dated 03.12.2001, the said Suit was decreed. Challenging the Judgement an Decree, all the allottees have filed A.S.No.436 of 2002 on the file of the Additional District Judge, Namakkal which was dismissed for non-prosecution on 10.03.2008. Thereafter, the decree was neither set aside nor appealed. The Petitioner's father had filed E.P.No.191 of 2009 to execute the Decree in O.S.No.633 of 2000 and the same is pending. Meanwhile, the Petitioner's father had passed away on 30.10.2015 leaving behind the Petitioner, Petitioner's sisters and Petitioner's brothers as his legal heirs. In the light of the Judgement and Decree passed in O.S.No.633 of 2000 dated 03.12.2001, the Petitioner has made a representation to the Respondents on 14.08.2024 to cancel the Patta standing in the name of the allottees and restore the same in the name of the Petitioner's father. No action



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has been taken place so far. Therefore, the Petitioner is before this Court.

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4. Heard the learned counsel on either side.

5. Considering the limited request and taking note of the Judgement and Decree passed by the learned District Munsif Court, Namakkal in O.S.No.633 of 2000 on 03.12.2001, the Writ Petition is allowed by directing the Respondents to consider the representation of the Petitioner dated 14.08.2024 and pass appropriate orders after giving an opportunity of personal hearing to the Petitioner and the interested parties. In case of any rejection, a speaking order shall be passed. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this Order. No costs.

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Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
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To

1. The Revenue Divisional Officer,
Namakkal,
Namakkal District.
2. The Tahsildar,
Namakkal District.



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P.T.ASHA, J.

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