



W.P.(MD).No.1673 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.1673 of 2024

R.Selvarani

... Petitioner

vs.

1.The District Collector,
O/o.District Collectorate,
Tenkasi District.

2.The Revenue Divisional Officer,
Sankarankovil,
Tenkasi District.

3.The Thasildhar,
Thiruvenkadam Taluk,
Tenkasi District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to issue patta in Patta No.1020 bearing Survey number 595/2, which is situated in Thiruvengadam Taluk, Kallingapatti Unit I Village, with extent of 1.32.50 hectares subsequently considering the petitioner's representation dated 13.12.2023 within the time that may be stipulated by this Court.

For Petitioner : Ms.V.Sebastinal Preethi
For Respondents : Mrs.K.Christy Theboral,
Additional Government Pleader



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ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to issue patta in the name of the petitioner in Patta No.1020 in respect of Survey No.595/2 situated in Thiruvengadam Taluk, Kallingapatti Unit I Village, measuring to an extent of 1.32.50 hectares by considering the petitioner's representation dated 13.12.2023, within a stipulated period.

2. The case of the petitioner is that the petitioner inherited some ancestral property after demise of his parents. Earlier, patta was also issued in respect of the said property in Patta No.1020. Therefore, the petitioner approached the third respondent to change the name in the patta in favour of the petitioner. However, the petitioner came to know that the legal heirs of one Gurusamy, who is the brother of the petitioner's grandfather namely Ramaiah, filed a civil suit in O.S.No.181 of 2020 before the Sub-Court, Sankarankovil seeking partition of the property, which is allotted to the petitioner's father. Subsequently, the petitioner also filed a civil suit in O.S.No.182 of 2022 to establish his right, wherein the Court has declared the petitioner's father as the legal heir of



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Ramaiah. According to the petitioner, after the demise of the petitioner's father, the petitioner is the sole legal heir. Therefore, the petitioner approached the respondents to get patta. In this regard, he has also made a representation before the respondents on 13.12.2023. However, no steps have been taken so far. Hence, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned Additional Government Pleader appearing for the respondents, on instructions, would submit that with regard to the subject property, there is a civil suit pending and therefore, the respondents are not in a position to issue patta to the petitioner.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5. Considering the above facts, this Court, without expressing any opinion on the merits of the matter, directs the second respondent to consider the petitioner's representation, dated 13.12.2023 and pass appropriate orders, after conducting enquiry and after providing



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opportunity to all the parties concerned, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of.

No costs.

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Index:Yes/No

NCC:Yes/No

PM

To

- 1.The District Collector,
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V.BHAVANI SUBBAROYAN,J.

PM

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