



W.P.(MD).No.2652 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.2652 of 2024

C.Rosammal

... Petitioner

VS.

- 1.The District Collector,
Collectorate,
Nagercoil 629 001,
Kanyakumari District.
- 2.The Revenue Divisional Officer,
Nagercoil,
Kanyakumari District.
- 3.The Tahsildar,
Thiruvattar,
Kanyakumari District.
- 4.The Executive Officer,
Attoor Town Panchayat,
Attoor,
Kanyakumari District.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned letter issued by the 3rd respondent Tahsildar, Thiruvattar in A1/3672/2023, dated 08.01.2024, quash the same and further direct the 3rd respondent to issue Patta forthwith to the petitioner's property ad-measuring an extent of 2 cents in Survey No. 21/4A s. 529/1 and 529/3 at Re-Survey No.21/4A (Old Survey No. 4667/2) at Attoor Village, Thiruvattar Taluk, Kanyakumari District.

For Petitioner : Mr.T.Cibichakraborty
For R1 to R3 : Mr.A.Kannan
Additional Government Pleader
For R4 : Mr.V.Nirmal Kumar
Government Advocate

ORDER

This writ petition has been filed challenging the impugned letter issued by the 3rd respondent Tahsildar, Thiruvattar in A1/3672/2023, dated 08.01.2024 and to quash the same and further direct the 3rd respondent to issue Patta forthwith to the petitioner's property ad-measuring an extent of 2 cents in Survey No. 21/4A s. 529/1 and 529/3 at



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Re-Survey No.21/4A (Old Survey No. 4667/2) at Attoor Village,
Thiruvattar Taluk, Kanyakumari District.

2. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that she has approached the fourth respondent seeking regularisation of construction through an application dated 30.09.2023. She was asked to annex the Patta copy for her property. When she took an e-patta for her property in S.No.21/4A, she finds that her name was missing. Hence, she made an application before the third respondent seeking Patta transfer vide Application No. 2023/0103/30/623132, dated 12.12.2023. But there was no response from the third respondent. Hence, she has submitted a petition dated 15.12.2023, to the first respondent District Collector. While so, the third respondent has rejected her application vide impugned letter dated 08.01.2024, stating that the writ petition in W.P.(MD).No.27290 of 2023 is pending before this Court. When the petitioner enquired with her



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counsel, she came to know that this Court, by order dated 29.11.2023, disposed of the writ petition in the admission stage, directing the respondents therein to conduct a field inspection of the subject property and to initiate action by following due procedure.

4. It is the further case of the petitioner that the act of the third respondent rejecting her application for patta transfer is illegal and the impugned order has been passed without application of mind. Further, the writ petition in W.P.(MD).No.27290 of 2023 was disposed of by this Court as early as on 19.11.2023 and it is not pending. Moreover, the subject matter in the writ petition is different from what she had sought for from the third respondent. Hence, the impugned order is liable to be set aside.

5. Heard the learned counsel for the petitioner, learned Additional Government Pleader appearing for the respondents 1 to 3 and the learned Government Advocate appearing for the fourth respondent.



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6. Considering the fact that there is no such writ petition is pending as it has been already disposed of and it does not have any impact on issuance of Patta to S.No.21/4A, the impugned order passed by the third respondent, dated 08.01.2024, is quashed and the third respondent is directed to consider the petitioner's Application No. 2023/0103/30/623132, dated 12.12.2023 and pass appropriate orders, on merits and in accordance with law, after affording opportunity to the parties concerned, within a period of sixteen weeks from the date of receipt of a copy of this order.

7. In the result, this Writ Petition is allowed. No costs.

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Index: Yes/No
Internet: Yes/No

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V.BHAVANI SUBBAROYAN,J.

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