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W.P.(MD)NO.9065 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9065 of 2024

S.Gomathi

... Petitioner

Vs.

The Tahsildar,
Taluk Office,
Tirunelveli Taluk,
Tirunelveli District.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to grant patta to the petitioner for the lands in survey No.337/2 an extent of 18 cents of land of Thenpathu Village, Tirunelveli Taluk, Tirunelveli District by considering her online application No.2024/0105/29/307723 dated 25.03.2024 within the period as stipulated by this Court.

For Petitioner : Mr.S.Atham Ali

For Respondent : Mr.N.G.A.Natraj,
Government Advocate.

* * *

**ORDER**

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Heard both sides.

2. It is not in dispute that the property belonged to the petitioner's mother Ponnammal. She died intestate. The property measures 18 cents of land. The petitioner is having a brother by name Petchiappan. The suit instituted by the petitioner against her brother was referred to Lok Adalat and the matter appears to have been compromised. The petitioner's counsel states that the Lok Adalat award was also registered. But based on the same straightaway individual patta cannot be issued in favour of the petitioner.

3. The Tahsildar has to conduct enquiry. In the enquiry, the petitioner's brother also has to appear. If there is consensus between the parties, then proper survey can be conducted and individual patta will be issued in favour of the petitioner. If there is no consensus is arrived at, the only remedy is to file execution petition for enforcing the right and based on the results of the execution proceedings, separate patta can be issued to the petitioner herein. The petitioner is permitted to submit fresh application before the respondent. The entire exercise will be completed



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within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition stands disposed of. No costs.

18.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

The Tahsildar,
Taluk Office,
Tirunelveli Taluk,
Tirunelveli District.



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G.R.SWAMINATHAN,J.

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