



W.P(MD)No.13274 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13274 of 2024

and

W.M.P.(MD)No.11744 of 2024

S.Padmavathi

... Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Sivagangai District.
- 2.The District Revenue Officer,
District Revenue Office,
Sivagangai,
Sivagangai District.
- 3.The Tahsildar,
Tahsildar Office,
Manamadurai,
Sivagangai District.
- 4.The Village Administrative Officer,
K.K.Pallam,
Mankulam Panchayat,
Manamadurai,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 3rd respondent Thasildar



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in Na.Ka. A11/316/2024 dated 03.05.2024, quash the same and further direct the 3rd respondents to issue patta in favour of the petitioner in Survey No.214/2 (Re Survey No.214/2D2A) to the extent of 12.75 cents on the house site located at Alankulam, Theethaankulam Village, Manamadurai Taluk, Sivagangai.

For Petitioner : Mr.S.Sivasamy
for Mr.K.Prabhu

For Respondents : Mr.P.Thambi Durai
Government Advocate

ORDER

Heard both sides.

2. The petitioner herein filed W.P.(MD)No.16945 of 2023 seeking issuance of patta for the petition mentioned land. The writ petition was disposed of by this Court on 08.01.2024 in the following terms:-

“2. According to the petitioner, her husband purchased the land in S.No.214/2 to an extent of 12 $\frac{3}{4}$ cents from one Sethuraman through registered sale deed, dated 21.04.1980. Her husband died on 23.03.2019, leaving behind his three sons and two daughters. Thereafter, she came to know that Patta No.842 was issued only for 5 cents of land and for the remaining 7 $\frac{3}{4}$ cents, there is no patta issued till date and her husband name was also wrongly mentioned as Mani, S/o.Natiyan instead of Subramanian, S/o.Natiyan. Hence, the petitioner has made a representation to the respondents on 05.04.2023, requesting them to give patta in favour of her, by correcting the name of her husband in Patta No. 842 and to issue patta for 12 $\frac{3}{4}$ cents. Since the said representation has not been considered, the



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petitioner has filed the present writ petition.

3. The learned Additional Government Pleader appearing for the respondents 1 to 4 would submit that the competent authority is the District Revenue Officer and the DRO will conduct an enquiry and pass appropriate orders.

4. Considering the above said submissions, this Court directs the petitioner to produce all the documents relating to the land in S.No.214/2 with supporting documents of death certificate and legal heir certificate before the second respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent is directed to consider the petitioner's representation, dated 05.04.2023 and pass appropriate orders, on merits and in accordance with law, after affording reasonable opportunity to the parties concerned, within a period of twelve weeks thereafter."

3. The grievance of the petitioner is that while so, the Tahsildar, Manmadurai vide impugned memorandum dated 03.05.2024 informed the petitioner that till appropriate orders are obtained, patta cannot be issued to the petitioner. Challenging the same, the writ petition came to be filed.

4. The learned Government Advocate appearing for the respondents would point out that the enquiry notice was issued by the DRO and enquiry was already held on 21.06.2024 and it is also admitted that the petitioner has furnished all the relevant documents and that order will be passed shortly.



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5. When this Court in the earlier writ petition had mandated the DRO to go into the issue, it was not open to the Tahsildar, Manamadurai to have taken any stand in the matter at all. This is all the more so because, the DRO is seized of the matter. The impugned order is set aside. However, it is not possible for this Court to direct the authority to issue patta. The right of the petitioner will abide by the outcome of the enquiry that has already been initiated by the DRO, Sivagangai. The Writ Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

25.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To

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- 2.The District Revenue Officer,
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Sivagangai,
Sivagangai District.
- 3.The Tahsildar,
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Manamadurai,
Sivagangai District.



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4.The Village Administrative Officer,
K.K.Pallam,
Mankulam Panchayat,
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G.R.SWAMINATHAN, J.

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