



W.P.(MD) No.18204 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.18204 of 2024

Banumathy

... Petitioner

/vs./

- 1.The District Collector,
Tanjore District.
- 2.The District Revenue Officer,
Tanjore,
- 3.The Revenue Divisional Officer,
Tanjore.
- 4.The Tahsildar,
Thiruvidaimaruthur Taluk Office,
Thiruvidaimaruthur Taluk,
Tanjore District 612 104.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 4th respondent to include the petitioner's name, Banumathy and her sister name, Booma Ramalingam in the Patta No.978 along with existing patta holders, Vatsala, Rathika and Ramadas by



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considering the petitioner's representation dated 07.11.2022.

For Petitioner : Mr.P.Rajendran

ORDER

The above writ petition has been filed for the issue of a Writ of Mandamus directing the fourth respondent to include the petitioner's name, Banumathy and her sister's name, Booma Ramalingam in Patta No.978 along with existing patta holders, Vatsala, Rathika and Ramadas by considering the petitioner's representation dated 07.11.2022.

2. It is the case of the petitioner that the properties enlisted under patta No. 978 belonged to her father, Ramadas, who had derived title to the same under a registered partition deed bearing No.2893 of 1959. Her father had died intestate in the year 1973 leaving behind him surviving his wife, Rukumani, his sons, Rengaramanujam and Gopalakrishnan, his daughter, Booma Ramalingam and the petitioner.

3. The petitioner would submit that her mother died in the year 1988 and her brother, Gopalakrishnan, died issueless as a bachelor in the year 2018.



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Therefore, the property devolved on the petitioner, her brother, Rangaramanujam and her sister, Booma Ramalingam and each of them became entitled to 1/3rd share. The petitioner and her siblings had not divided the properties and meanwhile, Rangaramanujam died intestate on 11.05.2007 leaving behind him surviving his wife, Vatsala, his daughter, Rathika and his son, Ramadas. The patta mentioned properties are not the self acquired properties of late.Rangaramanujam, but the properties of the petitioner's father and Rangaramanujam inherited the properties along with the petitioner and his sisters.

4. The legal heirs of her brother, Rangaramanujam, suppressing these facts had resorted to mutate the revenue records in their individual names, as if the properties were the absolute properties of Rangaramanujam. Without conducting a proper enquiry, the revenue records were mutated only in the name of Rangaramanujam's legal representatives. Therefore, the petitioner had submitted a representation on 07.11.2022 seeking inclusion of her name. However, to date the same has not been considered and orders passed. Therefore, the petitioner has come forward with the writ petition.



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5. Heard the learned counsel on either side.

6. A representation has been submitted on 07.11.2022 seeking inclusion of the names of the petitioner and her sisters as joint patta holders along with the legal representatives of their brother, Rangaramanujam. The same has not been processed and orders passed to date. Therefore, the fourth respondent has failed to discharge his statutory duty and therefore, a Mandamus is issued to him to consider the representation of the petitioner dated 07.11.2022 and pass appropriate orders on merits and in accordance with law within a period of 8 weeks from the date of receipt of a copy of this order.

7. The Writ Petition stands allowed with the above directions. No costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

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P.T.ASHA, J.

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