



W.P.(MD) No.21782 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.21782 of 2024

Annammal

.. Petitioner

Vs.

1.The District Collector,
Tanjavur District,
Tanjavur.

2.The District Revenue Officer,
Tanjavur District,
Tanjavur.

3.The Revenue Divisional Officer,
Pattukottai,
Tanjavur District.

4.The Tahsildar,
Peravoorani Taluk,
Tanjavur District.

5.Chandra Sekar

6.Mark

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, direct the 3rd respondent to consider the petitioner's representation, dated 19.08.2024 to cancel the patta in respect of lands in S. Nos.46/11, 46/12 and 48/1 now sub divided as 48/1A situates at Aathanur Village, Peravoorani Taluk, Thanjavur District and consequently issue patta to the legal of heirs of the petitioner's husband within the stipulated time prescribed by this Court.

For Petitioner : Mr.P.Sureshkumar

For R1-R4 : Mr.B.Saravanan
Additional Government Pleader

ORDER

Within days of making a representation to the 3rd respondent to consider and cancel the patta now granted in respect of Survey Nos. 46/11, 46/12 and 48/1 now subdivided as Survey No.48/1A at Aathanur Village, Peravoorani Taluk, Thanjavur District and consequently grant patta to the legal heirs of the petitioner's husband, the petitioner is before this Court.



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2. The case of the petitioner is that her husband Antony Doss has purchased an extent of 9 ½ and 6 cents in Survey No.48/1 and 46/12 respectively at Aathanur Village, Peravoorani Taluk, Thanjavur District under a registered sale deed, dated 27.02.1985. Thereafter, the land in Survey No.46/11 to an extent of 10 cents in the very same village was purchased by her husband under a registered sale deed, dated 22.06.1989 from one Arulanthu. The petitioner would submit that from the date of his purchase, her husband was in peaceful possession and enjoyment of the property till his death on 05.10.1994. On his death, the petitioner, her sons Galileo Antony, Joseph antony and Leonard Antony succeeded to the property of her late husband and they have been in peaceful possession and enjoyment of the same without any lead or hindrance. The family was carrying on agricultural activities in the said land and their livelihood depended on agriculture. While so, a wrong mutation has been made in the revenue records in respect of the lands comprised in Survey Nos.46/11, 46/12 and 48/1 which now subdivided as 48/1A in favour of the respondents 5 and 6 and one Loolamary w/o Arulandhu.



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The 6th respondent's father Duraisamy had already sold the above lands to an extent of 9 ½ and 6 cents in Survey Nos.48/1 and 46/12. But the patta was wrongly mutated in favour of the 6th respondent. As soon as the petitioner had come to know about the same, she has submitted a representation on 19.08.2024. She would contend that the same has not been considered. This Court finds that the petitioner has not even marked the documents showing that her representation has been received by the respondents and even before the ink on her representation could dry, she has rushed to this Court.

3. The learned Additional Government Pleader would submit that they are ready to consider the representation, provided time is granted.

4. This writ petition is ordered issuing directions to the 3rd respondent to pass orders to consider the representation of the petitioner, dated 19.08.2024 and pass orders within a period of three (3) months from the date of receipt of copy of this order.



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5. With the above directions, this Writ Petition stands allowed. No costs.

12.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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P.T.ASHA, J.

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