



W.P.(MD) No.22433 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.22433 of 2024

Rani

.. Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.

3.The Tahsildar,
Ilaiyangudi Taluk,
Ilaiyangudi,
Sivagangai District.

.. Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to consider the representations of the petitioner dated 04.08.2022, 05.03.2023, 06.12.2023 and 06.08.2024 made for patta in person.



W.P.(MD) No.22433 of 2024

For Petitioner :Mr.B.Prahalad Ravi
For R1 to R3 :Mr.D.S.Nedunchezian
Government Advocate

ORDER

This writ petition has been filed for a Mandamus, directing the respondents to consider the representations of the petitioner dated 04.08.2022, 05.03.2023, 06.12.2023 and 06.08.2024 respectively made for patta.

2.It is the petitioner's contention that he had claimed for grant of patta, on the basis of the lease deed that had been executed by the original owner of the land viz., Veeraiah Thevar, who had obtained a loan of Rs.600/- from the petitioner's father viz.,Ganesan and thereafter in favour of his son, who is the father-in-law of the petitioner. The terms of the lease deed contained a clause in the event of not repaying the loan amount, the property would become the absolute property of the petitioner's father-in-law and that he can mutate the revenue records into his name as well as transfer the tax receipts in his name. The petitioner



W.P.(MD) No.22433 of 2024

would submit that neither Veeraiah Thevar nor his legal heirs had repaid the loan amount till the demise of Ganesan on 04.05.2006 and thereafter, the properties have been devolved on the legal heirs of Ganesan viz., Nagaiah, Asaimani. The petitioner is the wife of Nagaiah. The legal heirs of Asaimani has gone somewhere for more than several years. The said Nagaiah died on 05.12.2012, leaving behind the petitioner, his mother Veerayee, daughter Mahalkashmi and sons Thangapandi and Sathiyendran as his legal heirs and they are in possession and enjoyment of the property. Therefore, he made a representation for grant of patta on 04.08.2022 and the same has not been granted. Again, the petitioner had given three reminders, the last of which on 06.08.2024. As there was no response, the petitioner has come forward with the aforesaid writ petition.

3.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.



W.P.(MD) No.22433 of 2024

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4.Considering the fact that the petitioner had submitted an application as early as on 05.08.2022 and the respondents, who are bound to consider and pass orders, have failed to perform their statutory duties, this Court is constrained to issue a Mandamus to the petitioner to submit her application through online within a period of two weeks from the date of receipt of a copy of this order. On receipt of such application, the respondents shall consider the same and pass orders on merits and in accordance with law, within a period of four weeks therefrom.

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

23.09.2024

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



W.P.(MD) No.22433 of 2024

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To

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W.P.(MD) No.22433 of 2024

P.T.ASHA, J.
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W.P.(MD) No.22433 of 2024

23.09.2024