



W.P.(MD) No.22980 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.22980 of 2024

Rani

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Madurai District,
Madurai.

2. The Tahsildar,
Madurai West Taluk,
Madurai.

3. Duraipandy

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated on 30.05.2024 with regards to cancel the Patta No.1984 and consequently, to issue patta to the petitioner's name in respect of property in Survey No.314/3 to an extent of 0.27.50 hectares respectively situated in Vilacheri village, Madurai West Taluk, Madurai District, based on registered settlement deed within a period that may be stipulated by this Court.



W.P.(MD) No.22980 of 2024

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For Petitioner : Mr.G.Chezhiyan
For R-1 & R-2 : Mr.P.Thambidurai
Government Advocate (Crl. side)

ORDER

This writ petition is filed for a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated on 30.05.2024 with regards to cancelling of Patta No.1984 and consequently, to issue patta to the petitioner's name in respect of property in Survey No.314/3 to an extent of 0.27.50 hectares respectively situated in Vilacheri village, Madurai West Taluk, Madurai District, based on registered settlement deed.

2. The case of the petitioner is that the aforesaid property belonged to the petitioner's mother, namely, Andichi @ Kuruvammal and she was issued with patta No.1984. On 25.08.2011, the petitioner's mother had executed a registered settlement deed in his favour. The third respondent has filed a suit in O.S.No.490 of 2011, seeking for permanent injunction



W.P.(MD) No.22980 of 2024

and declaration, that the settlement deed dated 25.08.2011 was null and void before the District Munsif Court, Thirumangalam. The suit was decreed in favour of the third respondent against which the petitioner had filed an appeal suit in A.S.No.13 of 2018 and the same was allowed on 15.03.2019. The appellate Court had clearly and categorically held that the settlement deed cannot be declared as null and void. However, in the interregnum, one Muthusamy has got his name included in the computer patta No.1984. Therefore, on 30.05.2024, the petitioner had sent a representation to the respondents. However, there is no action on the side of the respondents.

3. Taking into account the fact that the petitioner's title has been declared by the Civil Court which has dismissed the claim of the third respondent, the first and second respondents shall take steps on the basis of the petitioner's representation dated 30.05.2024, to immediately cancel the patta standing in the name of the said Muthusamy and allot the same in favour of the petitioner. The said exercise shall be completed within a period of six (6) weeks from the date of receipt of a copy of this order.



W.P.(MD) No.22980 of 2024

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The first respondent shall issue notice to the petitioner and the said Muthusamy, hear them and pass speaking orders.

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

26.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

jbr

To

1. The Revenue Divisional Officer,
Madurai District,
Madurai.

2. The Tahsildar,
Madurai West Taluk,
Madurai.



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W.P.(MD) No.22980 of 2024

P.T.ASHA, J.

jbr

W.P.(MD) No.22980 of 2024

26.09.2024