



W.P.(MD) No.23026 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.23026 of 2024

Kalyani

... Petitioner

Vs

The Tahsildhar,
Taluk Office,
Kadayanallur,
Tenkasi District.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondent to issue Patta in legal heirs name of petitioner's late husband Sankaran pertaining to property in S.No.378/2 bearing to extent of about 2 acres and 86 cents situated at Ward B, Vairavankulam Village, Kadayanallur Taluk, Tenkasi District, by considering petitioner's application dated 28.06.2024, within a time frame fixed by this Court.

For Petitioner : Mr.J.Senthil Kumaraiah

For Respondent : Mr.P.Thambidurai
Government Advocate



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ORDER

This writ petition is filed for a mandamus, to direct the respondent to issue Patta in the name of the legal representatives of the petitioner's husband pertaining to the property in S.No.378/2 measuring to an extent of 2 acres and 86 cents situated at Ward B, Vairavankulam Village, Kadayanallur Taluk, Tenkasi District, based on the petitioner's application dated 28.06.2024.

2. The petitioner would submit that the property in Survey No. 372/8 was the ancestral property of one M.Venkataraman, measuring an extent of 2 acres and 86 cents in Vairavankulam Village, Kadayanallur Taluk, Tenkasi District. The said Venkataraman had executed a registered deed of General Power of Attorney dated 05.02.1996, in favour of one V.Rajagopalan, authorizing him to sell 71 ½ cents out of this extent of 2 acres and 86 cents. The said Rajagopalan along with one Renganathan and one Subramanian had executed sale deed in respect of the entire extent in Survey No.372/8 in favour of one Sanmugathevar,



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who was in possession and enjoyment of the same. From the said Sanmugathevar, the petitioner's husband had purchased the entire extent of 2 acres and 86 cents, vide two registered sale deeds, for an extent of 1 acre and 43 cents each. Though the property was purchased and they were in possession and enjoyment of the same, the petitioner's husband had not deemed it fit to get the patta changed in his name. While so, the petitioner's husband passed away on 27.06.2017 and when the petitioner attempted to avail loan from the Bank and to obtain subsidy from the Government, the patta become necessity. Therefore, she had made an online application on 28.06.2024, for issue of patta in the name of the legal representatives of the petitioner's husband. However, the respondents had not processed the said application till date. Therefore, the petitioner has approached this Court.

3. Heard the learned Counsel on either side.

4. The petitioner seeks a direction from this Court to the respondent, who has failed in his/her statutory duty to grant patta and to



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consider the application made by the petitioner on 28.06.2024 for grant of patta.

5. In the light of the above, the respondent is directed to consider the application dated 28.06.2024 and pass orders for grant of patta, within a period of six (6) weeks from the date of receipt of a copy of this order. In case of any suit being pending in respect of the property, notice shall be instituted to the parties concerned and their objections shall be heard before granting patta. In case of a rejection, speaking orders shall be passed.

6. With the above said direction, this Writ Petition stands allowed.

No costs.

27.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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P.T.ASHA, J.

jbr

To

The Tahsildhar,
Taluk Office,
Kadayanallur,
Tenkasi District.

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