



W.P.(MD) No.23730 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.23730 of 2024

and

W.M.P(MD)Nos.20094 & 20095 of 2024

K.Parvatham

.. Petitioner

Vs.

1.The District Collector,
Madurai District.

2.The Sub Divisional Magistrate cum
The Revenue Divisional Officer,
Madurai, Madurai District.

3.The Tahsildar,
Madurai North Taluk,
Madurai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the order, dated 23.07.2024 passed by the 2nd respondent vide proceeding in Pa.Mu.No.6457/2023/C and quash the same as illegal and consequently direct the respondents herein to issue patta in the petitioner name in respect of the property comprised in New Sur.No.112/2 situated at Chettikulam, Oomachikulam, Madurai North



W.P.(MD) No.23730 of 2024

Taluk, Madurai District within a stipulated time period in accordance with law.

For Petitioner : Mr.C.Senthil Murugan

For Respondents : Mr.D.S.Nedunchezian
Government Advocate

ORDER

The present writ petition has been filed to quash the order, dated 23.07.2024 passed by the 2nd respondent vide proceeding in Pa.Mu.No. 6457/2023/C and consequently direct the respondents to issue patta in the petitioner name in respect of the property comprised in New Sur.No. 112/2 situated at Chettikulam, Oomachikulam, Madurai North Taluk, Madurai District.

2. The case of the petitioner is that her father-in-law, namely Narayana Iyer was allotted with a housing site in Survey No.112/2 situated at Chettikulam, Oomachikulam, Madurai North Taluk. Over this land, her father-in-law had constructed a house where he lived till his last breath. On his demise, the property devolved upon on his son Krishnamoorthy, the husband of the petitioner herein. The petitioner's



W.P.(MD) No.23730 of 2024

husband had passed away on 03.07.2007 leaving behind him surviving the petitioner as his wife and three sons. The children are all married and living separately. The petitioner had approached the 2nd respondent to mutate the patta in her favour which was not looked into. The petitioner therefore filed W.P(MD)No.26889 of 2023 where this Court had directed the 3rd respondent to pass orders within a period of twelve weeks. The petitioner was under the impression that the orders would be complied with. However, the 3rd respondent did not pass any orders. The petitioner would submit that there was some dispute between her daughter and and a third party with reference to some other property. However, the 2nd respondent without applying his mind, had proceeded to mechanically hold that the party should approach the Civil Court. Aggrieved by the same, the petitioner is before this Court.

3. When the matter has come up for hearing, the learned Government Advocate on instructions would submit that if the documents are produced, the respondents are ready to consider and grant patta to the petitioner.



W.P.(MD) No.23730 of 2024

WEB COPY

4. Recording the same, this writ petition is allowed and the order passed by the 2nd respondent, dated 23.07.2024 is set aside and the 2nd respondent is directed to consider the matter afresh and pass orders on production of proper documents from the petitioner to prove her right to the property in question. The 2nd respondent shall issue notice to the petitioner before passing the order. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of copy of this order.

5. With the above observations, this Writ Petition stands allowed.
No costs. Consequently, connected Miscellaneous Petition is closed.

04.10.2024

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

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W.P.(MD) No.23730 of 2024

WEB COPY

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W.P.(MD) No.23730 of 2024

P.T.ASHA, J.

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W.P.(MD) No.23730 of 2024

04.10.2024