



W.P(MD)No.23971 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No. 23971 of 2024

Muniyandi

... Petitioner

Vs

1.The District Collector,
Madurai District,
Madurai.

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

3.The Tahsildar,
Peraiyur Taluk,
Madurai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to transfer the patta in proceeding No.Vi.Ma.O.No.2/95-96 dated 02.07.1995 into the name of the petitioner, by considering his representation, dated 15.07.2024.

For Petitioner
For Respondents

: Mr.T.Antony Arulraj,
: Mr.D.S.Nedunchezian
Government Advocate



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ORDER

The petitioner with a grievance that his representation, dated 15.07.2024, for transfer of patta has not been considered by the respondents, has approached this Court.

2.The case of the petitioner is that her mother one Lakshmi W/o Alagarsamy was assigned with an assignment patta for a land, to an extent of 7.2 x 8 x 7.6 x 8.0, Peraiyur Village in the year 1995. According to him, the petitioner's mother has put up a house and they were living in the said house. After her demise in the year 2020, the petitioner, his father and brother were living in that house. According to the petitioner, his brother Isakkimuthu died on 30.04.2013 in an accident and his father also died on 05.09.2023. Death certificates of the petitioner's father and brother have also been placed before this Court. Since the petitioner is the only legal heir of the said Lakshmi, he has submitted a representation, seeking transfer of patta for the subject land on 15.07.2024 to the respondents and has approached this Court that his representation has not been considered by them.



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3.Mr.D.S.Nedunchezian, learned Government Advocate takes notice for the respondents admits that the petitioner's mother was assigned with a land in the year 1995 with certain conditions. However, she has sold that property to one Santhana Karuppu and the said Santhana Karuppu, in turn has sold the property to one Petchiammal and the said Petchiammal has also sold the same to one Perumathal and as on date, the said Perumathal has put up a pucca construction and residing in that property. It is reported that patta for the subject land has been granted in favour of Perumathal. Therefore, the patta could not be granted to this petitioner.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The petitioner claims that her mother was assigned with a land in Periyur Village in the year 1995 with certain conditions. However, the assigned land appears to have been sold by the said Laksmi and subsequent sales have also been taken place. At



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present, one Perumathal has put up a construction in the subject land and she is residing there. It appears that the assignment conditions have not been complied with by the original assignee Lakshmi.

6.In view of the above, this writ petition is disposed of with a direction to the respondents to conduct an enquiry by issuing summons to all the parties concerned and pass suitable orders on the representation of this petitioner, within a period of six months from the date of receipt of a copy of this order. No costs.

14.10.2024

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



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To

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B.PUGALENDHI, J.

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Order made in
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