



W.P(MD)No.24268 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.24268 of 2024

S. Kavitha

... Petitioner

Vs

1.The District Collector,
Madurai.

2.The Tahsildar,
Melur Taluk,
Madurai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Mandamus, direct the 2d respondent to issue patta to the petitioner for the property measuring about 436 Sq. Ft comprised in S.No. 166/9C, Melur Village, Melur Municipal Ward No. 12 H, West Street, Gomathiyapuram, Madurai District as per his representation dated 23.09.2024 within the time stipulated by this Honble Court and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.



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For Petitioner : Mr.P.Ganapathi Subramanian,
For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition is filed for a Mandamus, to direct the second respondent to issue patta to the petitioner for the property S.No. 166/9C, Melur Village, Melur Municipal Ward No. 12 H, West Street, Gomathiyapuram, Madurai District, within a stipulated time.

2.The petitioner claims that she got the property in S.No. 166/9C, Melur Village, Melur Municipal Ward No. 12 H, West Street, Gomathiyapuram, Madurai District, by way of a settlement deed from her mother, namely Angammal in Doc.No.1318/2019, dated 13.03.2019. After the settlement deed, the petitioner has made a request for change of patta on 22.07.2022, 27.03.2023, 28.12.2023, 22.06.2024, 23.09.2024 and 30.09.2024. Though this petitioner has submitted several representations, the respondents have not taken any decision for change of patta. Therefore, the petitioner is before this Court with this writ petition.



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3.The learned counsel appearing for the petitioner submits that the land in S.No.166/9C was originally belonged to one Santhi, who had sold the same to one Manimegalai, through Doc.No. 2140/90, dated 03.09.1990. The said Manimegalai sold the same to one Alaguvalli vide Doc.No.2257/2000, dated 28.08.2000 and in turn, the said Alaguvalli has sold the property to one Pandiselvi, vide sale deed Doc.No.2098/2002, dated 01.07.2002. The petitioner's father, namely Balakrishnan has purchased the property from the said Pandiselvi, by way of a registered sale deed, in Doc.No. 2856/2008, dated 29.10.2008. The learned counsel further submits that the petitioner's father has executed a gift deed in favour of his wife/the mother of the petitioner vide Doc.No.1143/2005, dated 21.04.2005 and in turn, she has executed a gift settlement deed in favour of the petitioner vide Doc.No.1318/2019, dated 13.03.2019 and since then, the petitioner is in possession of the property. In the meantime, the petitioner was also sanctioned with government financial assistance on 27.07.2024 for a sum of Rs.50,000/- for construction of a house with toilet. While so, it is not proper on the



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part of the respondents in not taking any decision on the petitioner's representations.

4. Mr.B.Saravanan, learned Additional Government Pleader takes notice for the respondents and submits that patta for the subject property stands in the name of one Veluswamy and therefore, change of patta could not be ordered in favour of the petitioner.

5. The petitioner claims that the subject property is vested with her by way of a settlement deed executed by her mother in Doc.No.1318/2019, dated 13.03.2019. It appears that for change of patta, the petitioner has sent several representations and reminders to the respondents from the year 2022. The respondents claim that in view of rival claim on the subject property, change of patta could not be effected in favour of the petitioner.



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6.In view of the above, this writ petition is disposed of with a direction to the Tahsildar, Melur Taluk, Madurai to conduct an enquiry and take a decision on the petitioner's representations on its merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording opportunity of hearing to this petitioner as well as to the said Veluswamy. No costs.

16.10.2024

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

To

1.The District Collector,
Madurai.

2.The Tahsildar,
Melur Taluk,
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B.PUGALENDHI, J.

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Order made in
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