



W.P.(MD) No.26122 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.26122 of 2024

1.Farakath Mohammed Fathima

2.Kaja Mohidden

3.Izzath Mohammed Beevi

4.Tajdeen

5.Yusuf Zulaika

6.Mohammed Jameela

7.S.M.Syed Mohammed

8.Meherunisha

.. Petitioners

(All are represented by their power agent, Seenipandi)

Vs.

1.The District Collector,
Tirunelveli District.

2.The Revenue Divisional Officer,
Tirunelveli Division,
Tirunelveli District.



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3.The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.

4.The Managing Director,
Tamil Nadu Housing Board,
CMDA Complex,
E & C Market Salai,
Koyambedu, Chennai-600 107.

5.The Executive Engineer and Administrative Officer,
Tirunelveli Housing Unit,
17D, C Colony Perumalpuram,
Tirunelveli-627 007.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the 2nd and 3rd respondents to issue a fresh TSLR in the name of the petitioners by removing others name in respect of the property in Survey No.555/3 T.S.Ward BP, Block 10 and T.S.No.12/1B measuring an extend of 67 cents situated at Kulavanigapuram, Palaymkottai Taluk, Tirunelveli by considering the petitioner's representation, dated 28.08.2024 and 10.10.2024 within stipulated time fixed by this Hon'ble Court.

For Petitioners : Mr.S.Ramasamy

For R1 - R3 : Mr.B.Saravanan
Additional Government Pleader



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For R4 & R5 : Mr.S.Velmurugan
Standing Counsel

ORDER

This writ petition is filed for a mandamus to the 2nd and 3rd respondents to issue a fresh TSLR in the name of the petitioners by removing others name in respect of the property in Survey No.555/3 T.S.Ward BP, Block 10 and T.S.No.12/1B measuring an extend of 67 cents situated at Kulavanigapuram, Palaymkottai Taluk, Tirunelveli by considering the petitioner's representation, dated 28.08.2024

2. The petition mentioned property was originally belonged to the petitioners' grandfather. On his demise, the same was allotted to the petitioners' mother by judgment in O.S.No.25 of 1972 dated 28.09.1984. During the lifetime of the petitioners' mother, the 4th respondent had taken steps to acquire the said property for the use of Tamil Nadu Housing Board. By the orders in W.P(MD)No.13620 of 1998 and 27517 of 2013, dated 19.06.1998 and 10.03.2015 respectively, the acquisition proceedings were set aside. The petitioners' mother had died on



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03.09.2022 leaving behind the petitioners. Thereafter, the petitioners came to know that some other persons' names were included in TSLR who are no way connected with the said property.

3. Hence, the petitioners executed a power of attorney for getting no objection from the 4th respondent and for mutating the revenue records in the name of the petitioners. Thereafter, the power of attorney was enquired before the 3rd respondent and instructed to get No Objection from the 4th respondent for the mutation of TSLR. The power of attorney made a representations to the 4th and 5th respondents in this regard. Since no action has been taken on the side of the respondents, the petitioners filed W.P(MD)No.20001 of 2023 seeking direction as against the 4th and 5th respondents to issue No Objection Certificate. The said writ petition was disposed directing the 4th and 5th respondents to pass appropriate orders within 12 weeks. Pursuant to the same, the 4th and 5th respondents considered the petitioners' application and passed an order stating that in case of lands for which acquisition proceedings were quashed, the request of the patta transfer can be considered. On receipt of the above



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communication, the petitioners made an applications on 23.08.2024 and 10.10.2024 before the 3rd and 2nd respondents respectively. Since no further action has been taken on the side of the respondents, the petitioner is before this Court.

4. Heard the learned counsel on either side.

5. Considering the request of the petitioners, a mandamus is issued to the respondents 2 and 3 to consider the representations of the petitioners, dated 23.08.2024 and 10.10.2024 and pass orders within a period of three (3) months from the date of receipt of copy of this order.

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

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NCC : Yes/No
Index : Yes/No
Internet : Yes
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P.T.ASHA, J.

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