



WEB COPY



W.P.(MD)No.21042 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.21042 of 2017

and

W.M.P(MD)No.17295 of 2017

T.Seeniyammal

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Special Tahsildar,
Thasildar Office,
Periyakulam Taluk,
Theni District.

3.The Commissioner,
Periyakulam Municipality,
Periyakulam Taluk,
Theni District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 27.10.2017 in Na.Ka.No.47/2017/A2 passed by the second respondent and quash the same as illegal and consequently direct the respondents to grant patta to the petitioner's house site in S.No.4658/3A1B, 4658/A2 which is situated at Thenkarai Village, Periyakulam Taluk, Theni District.



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For Petitioners : Mr.R.Venkatesan

For R1 & R2 : Mr.A.Kannan
Additional Government Pleader

For R3 : No Appearance

ORDER

The writ petition is filed to challenge the order passed by the second respondent, dated 27.10.2017 and to direct the respondents to grant patta to the petitioner's house site in S.No.4658/3A1B,4658/A2, at Thenkarai Village, Periyakulam Taluk, Theni District.

2. The petitioner based on the continuous possession of the subject property made several representations to the second respondent to consider her claim for grant of patta. As the second respondent did not consider the petitioner's representation, the petitioner made further representation on 13.11.2014 to the second respondent. Even on the said representation, no action was taken by the second respondent. The petitioner finally sent a representation on 17.08.2017 to the respondents 1 and 2. As no action was taken by the respondents 1 and 2, the petitioner filed writ petition in W.P(MD)No.15698 of 2017 for writ of Mandamus to direct the second respondent to consider the petitioner's representations, dated 13.11.2014 and 17.08.2017 and this Court vide order, dated 22.08.2017, directed the second respondent to consider the



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petitioner's aforesaid representations within a period of 12 weeks from the date of receipt of a copy of the order. Thereafter, the second respondent passed the impugned order rejecting the petitioner's claim for grant of patta.

3. Aggrieved by the impugned order of the second respondent, the petitioner filed the above writ petition for the aforesaid relief.

4. The learned counsel for the petitioner submitted that after filing the writ petition, the petitioner filed a civil suit in O.S.No.15 of 2019 on the file of the District Munsif Court, Periyakulam for declaration of her title.

5. In view of the fact that the petitioner has approached the Civil Court for larger relief, the challenge to the impugned order cannot be sustained at this stage. Accordingly, the writ petition stands disposed of with liberty to the petitioner to approach the authorities for grant of patta, if she succeeds in the suit. No costs. Consequently, the connected miscellaneous petition is closed.

19.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

- 1.The District Collector,
Theni District,
Theni.
- 2.The Special Tahsildar,
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Theni District.
- 3.The Commissioner,
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N.MALA, J.

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