



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.12.2024**

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P(MD)NO.29945 OF 2024

Sasikala

: Petitioner

.VS.

1.The Revenue Divisional Officer,
Lalgudi Taluk,
Trichy District.

2.The Tahsildar,
Lalgudi Taluk,
Trichy District.

3.The Deputy Tahsildar,
Lalgudi Taluk,
Trichy.

4.Alphonse

:Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to include the Petitioner's name, the name of the Petitioner's mother Stephen Mary and her elder sister Jenifer in the patta bearing Patta No.859 in respect of the property measuring an extent of 350 sq.mts comprised in S.No.65/2H, situated at Thirumangalam Village, Lalgudi Taluk, Trichy District and issue a joint patta by considering the Petitioner's representation dated 7.11.2024.

For Petitioner

:Mr.T.Leninkumar



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For Respondents
1 to 3

:Mr.R.Raghavendran
.Govt.Advocate

ORDER

The Petitioner has filed the above Writ Petition for a Mandamus directing the first respondent to issue a joint patta by considering the Petitioner's representation dated 07.11.2024 in respect of the property measuring an extent of 350 sq.mts comprised in S.No.65/2H, situated at Thirumangalam Village, Lalgudi Taluk, Trichy District.

2.The Natham housing land measuring an extent of 350 sq.mts in S.No.65/2H in Thirumangalam Village, Lalgudi Taluk, Trichy District originally belonged to the Petitioner's great grandfather. After the death of her great grandfather, the said property devolved upon his two sons namely, Mathalaimuthu and Alphonse. After the demise of Mathalaimuthu, his son Charles @ John Charles inherited half share of the undivided property. Therefore, joint patta in patta No.849, was issued in the name of Charles @ John Charles and Alphonse. The Petitioner's father Charles died and after his demise, the property devolved upon her mother and her sister. While so, the fourth respondent, brother of the Petitioner's grandfather managed to remove the name of the Petitioner's father from the joint patta in Patta No.849, and obtained individual



patta in his name. Thereafter, the fourth respondent executed a settlement deed in favour of his sons conveying 175 sq.mts each. When the Petitioner came to know the said facts, he sent a representation to the first respondent on 07.11.2024 requesting him to cancel the individual patta issued to the fourth respondent and restore the joint patta issued in patta No.849. The first respondent did not take any action on the representation of the Petitioner. Therefore, the Petitioner filed the above Writ Petition for the aforesaid relief.

3. Heard both counsels. With the consent of both counsels, the Writ Petition is disposed of at the admission stage itself.

4. Indisputably, the subject property belonged to the Petitioner's great grandfather and on his demise, it devolved on his sons Mathalaimuthu and Alphonse. The Petitioner traces title through Mathalaimuthu (grand-father). After the demise of Mathalaimuthu, the property devolved on the Petitioner's father Charles @ John Charles and Alphonse, the fourth respondent herein. As the property devolved equally on the Petitioner's father and fourth respondent, joint patta was issued in Patta No.849. It appears that the fourth respondent approached the second respondent and received individual patta cancelling the joint patta



in Patta No.849. Therefore the Petitioner sent representation to the first respondent to cancel the individual patta issued to the fourth respondent.

5.The Petitioner sent his representation to the first respondent only on 07.11.2024, which in fact is only an appeal. The Petitioner even without submitting a representation to the first respondent to consider his appeal has rushed to this Court, that too, within a short time. Therefore I am not inclined to issue the mandamus prayed for.

6.In any event, the first respondent is at liberty to consider the Petitioner's appeal, dated 7.11.2024, as per seniority and pass orders on merits and in accordance with law, as per the time line provided in the Circular of the Commissioner of Land Administration, Chennai, dated 17.07.2023.

7.The Writ Petition is disposed of accordingly. No costs.

12.12.2024



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NSC :Yes/No
Index:Yes/No
Internet:Yes/No

vsn

To

- 1.The Revenue Divisional Officer,
Lalgudi Taluk,
Trichy District.
- 2.The Tahsildar,
Lalgudi Taluk,
Trichy District.
- 3.The Deputy Tahsildar,
Lalgudi Taluk,
Trichy.



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N.MALA, J.

vsn

ORDER MADE IN
W.P(MD)NO.29945 of 2024

12.12.2024