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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.01.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.38687 of 2024

Manimegalai .... Petitioner

Vs

The Tahsildar,
Sulur Taluk,
Coimbatore District. .... Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the respondent to issue Patta in favour of petitioner in respect of S.F.No. 435/1 to an extent of P.Acre.1.41 situated at Moppiripalayam, Sulur Taluk, Coimbatore District, by considering the online application No. 2024/0103/12/604773 dated 01.08.2024.

For Petitioner : Mr.V.Anandhamurthy

For Respondent : Mr.S.Jayachandran
Government Advocate

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ORDER

This Writ Petition has been filed seeking a writ of mandamus directing the respondent to issue a patta in favour of the petitioner in respect of the land comprised in S.F.No. 435/1, measuring 1 acre and 41 cents, situated at Moppiripalayam, Sulur Taluk, Coimbatore District, by considering the on-line application No. 2024/0103/12/604773 dated 01.08.2024.

2. The petitioner would contend that the property, comprised in S.No.435/1, measuring 1 acre and 41 cents, was purchased by his grandmother, Late Pongammal, under a registered sale deed dated 24.10.1944. From the date of purchase, she has been in possession and enjoyment of the property. The petitioner's grandmother passed away on 12.05.1970, leaving behind the petitioner's mother, viz., Valliammal, as her sole surviving legal representative. The petitioner's mother continued to be in possession and enjoyment of the land, till her death on 11.12.2011. Thereafter, the petitioner had applied for a legal heirship certificate, which was rejected. The petitioner, therefore, filed a suit in O.S.No.107 of

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2022 on the file of the District Munsif Court, Sulur, seeking a declaration that the petitioner is the legal representative of the Late Pongammal. On 18.02.2023, the said suit was decreed in favour of the petitioner. Since, the property continued to remain in the name of the petitioner's grandmother, the petitioner had made an online application on 01.08.2024 to the respondent seeking change of patta in her favour. However, the same has not been considered and the patta has not been granted to the petitioner, despite the fact that the petitioner has been declared the legal heir of the original patta holder.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. The petitioner seeks a limited relief for the consideration of his representation for transfer of patta. She had also obtained a decree declaring her as the legal representative of Late Pongammal. Therefore, a mandamus is issued to the respondent to

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consider the petitioner's online application dated 01.08.2024 and issue patta in her favour in respect of an extent of 1 acre and 41 cents comprised in S.No.435/1, Moppiripalayam, Sulur Taluk, Coimbatore District, within a period of twelve weeks from the date of receipt of a copy of this order. It is needless to say that the respondent shall give a personal hearing to the petitioner to enable him to submit all his documents.

5. With the above direction, this writ petition stands allowed. No costs.

03.01.2025

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
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To
The Tahsildar,
Sulur Taluk,
Coimbatore District.

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P.T. ASHA, J,

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W.P.No. 38687 of 2024

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