



W.P(MD)NO.3380 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.06.2025

CORAM:

THE HON'BLE MR JUSTICE S.SOUNTHAR

W.P(MD)No.3380 of 2023

Jothi

... Petitioner

.Vs.

1.The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

2.The Tahsildar,
Kumbakonam Taluk Office,
Kumbakonam, Thanjavur District.

3.Duraisamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the second respondent to issue patta in favour of the Petitioner with regard to the property in S.No.101/1, to an extent of 16 2/3 cents situated at Thiruvazhanchuli village, Kumbakonam Taluk, Thanjavur District based on the Petitioner's representation, dated 2.1.2023.



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For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.A.Baskaran
1 and 2 Addl.Govt.Pleader

For Respondent-3 : Mr.A.Haja Mohideen

ORDER

The Writ Petition is filed seeking a direction to the second respondent to issue patta in her favour in respect of the property in S.No.101/1, measuring an extent of 16 2/3 cents situated at Thiruvazhanchuli village, Kumbakonam Taluk, Thanjavur District by considering the Petitioner's representation, dated 2.1.2023.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.According to the Petitioner, the subject property was originally owned by the Petitioner's husband's grand father Marichambavan having purchased the same under registered sale deed, dated 18.12.2029. After his death, his only daughter Samiammal inherited the property and had put up a construction. After the death of Samiammal, her husband Velayutham got the property and after his death, the property was in the possession and enjoyment of the Petitioner's husband namely, Govindaraj



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and after the death of the Petitioner's husband, the Petitioner has been in possession and enjoyment of the above said property. The first respondent herein claim right over the adjacent property and filed a Writ Petition in W.P(MD)No.20372 of 2021 and the same was disposed by directing the Petitioner therein to establish his right before the competent Civil Court. Subsequently, the sixth respondent filed a civil suit in O.S.No.118 of 2023, on the file of Principal Sub Court, Kumbakonam in respect of 0.00.50 ares in S.No.101/1A4. In the boundary description for the subject matter of the property, the sixth respondent clearly mentioned that property of the Petitioner is his southern boundary. It is the case of the learned counsel for the Petitioner that the property of the Petitioner in this Writ Petition is the land in S.No.101/1 and sixth respondent filed the suit for the property in S.No.101/1A4. Therefore there shall not be any impediment for the respondents to consider the representation and to issue patta.

4.Mr.A.Baskaran,learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that the Petitioner has not filed any online application and therefore if online application is filed, it will be considered in accordance with law, within the time limit prescribed by this Court.



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5.The learned counsel for the third respondent filed a counter stating that the subject property had been in possession and enjoyment of her father in law Periyasamy and Sami Ammal for more than 60 years and she had taken steps to file a civil suit to work out the remedy.

6.In the light of the rival stand taken by the Petitioner and third respondent, without going into the merits of the matter, the second respondent is directed to consider the representation of the Petitioner, dated 2.1.2023 and pass final orders on its own merits after issuing notice to the Petitioner and third respondent, within a period of 12 weeks from the date of receipt of a copy of this order.

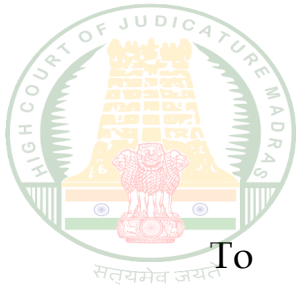
7.With the above direction, the Writ Petition stands disposed of. No costs.

30.06.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

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S.SOUNTHAR.,J.

vsn

ORDER MADE IN

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