

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2021

CORAM

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No. 1653 of 2021

and

W.M.P. No.1863 of 2021

S.Ponni

.. Petitioner

Vs

1.The District Collector,
A Block, 2nd Floor, Collectorate,
Vellore 632 009.

2.The Tahsildar,
Katpadi Taluk,
Vellore 632 007.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to consider the petitioner's dated 19.12.2020 for issuance of Patta for their land comprised in Old Survey Number 536/A1 and New Survey Number 687/12 of Tharapadavedu Village, Katpadi, Vellore district and to pass appropriate order in accordance with law.

For Petitioner : Ms. S.Deepika

For Respondents : Mr. Mani Gopi
Government Advocate

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O R D E R

This Writ Petition has been filed for issuance of Writ of Mandamus directing the respondents to consider the petitioner's representation dated 19.12.2020, for issuance of Patta for their land comprised in Old Survey Number 536/A1 and New Survey Number 687/12 of Tharapadavedu Village, Katpadi, Vellore district.

2. It is stated in the affidavit filed in support of this writ petition that the petitioner's mother-in-law was the erstwhile owner of the property for which the petitioner claim patta. The petitioner's mother-in-law namely Lakshmiammal purchased the property on 26.02.1971 and that the said Lakshmiammal died in year 1978 leaving behind ten children including the petitioner's husband. It is the case of the petitioner that one of the sister of her husband leased the property in favour of the petitioner's husband and another sister had relinquished her right in favour of all the male members of the family. The petitioner states that there was a family arrangement among all the legal heirs and that petitioner's husband died in January 2018. The petitioner also state that she is in possession of the property.

3. The request of the petitioner in the Writ Petition is for issuance of patta for the entire land even though she is entitled to a share. Except the two registered release deeds executed in favour of the petitioner's husband by 3 of his sisters, the documents produced by the petitioner does not indicate the exclusive ownership of the property. It is to be noted that the family arrangement produced by the petitioner indicates that all the parties have not signed. Even the parties who are executants of the documents failed to sign the document. In such circumstances, no family arrangement as pleaded by the petitioner can be accepted by this Court. The petitioner has approached this Court without any proof of exclusive title or actual physical partition between the parties. If the petitioner is able to produce the record to show that her husband is one among the legal heirs of the rightful owners, she may be entitled to get her name included in the place of her husband as the legal heirs of the deceased owner. Except that, there cannot be a direction to the Revenue Officials to consider the representation of the petitioner to give patta in respect of the property which originally belonged to the petitioner. Though the petitioner referred to the partition suit in the representation, the same was not filed as document in the typed set of papers. In the absence of any acceptable material to confer patta in favour of the petitioner, this Court is not inclined to give any positive direction to the petitioner. However, the representation of the petitioner may be considered after hearing all the legal heirs of the original owner.

4. Accordingly, the second respondent is directed to consider the representation of the petitioner dated 19.12.2020 and hold an enquiry after issuing notice to all the legal heirs of the of the deceased Lakshmiammal, the mother-in-law of the petitioner. In case of rival claim, the parties may also be directed to approach the Civil Court.

5. With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

bkn

To

1.The District Collector,
A Block, 2nd Floor, Collectorate,
Vellore 632 009.

2.The Tahsildar,
Katpadi Taluk,
Vellore 632 007.

+1cc to the Government Pleader, S.R.No.4926

W.P. No. 1653 of 2021

SKY (CO)
KM(21/04/2021)

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