

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 02.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.14350 of 2015

Lagumamma

.. Petitioner

Versus

- 1 The District Collector
Krishnagiri District Krishnagiri.
- 2 The Block Development Officer
Hosur Krishnagiri District.
- 3 The Commissioner
Hosur Municipality Krishnagiri District.
- 4 The Panchayat President
Mookandapalli Village Hosur Taluk
Krishnagiri District.
- 5 C.Srinivasulu .. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the 3rd respondent to consider the petitioner's representation dated 20.02.2015.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.V.Subbiah (for R1 to R4)
Special Government Pleader

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O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner claims that he is the resident of Hosur, Krishnagiri District. The lands in S.No.654/4 originally belonged to one Kunnigadu and Anumaiah and later on there was a partition between them, wherein, Kunnigadu was allotted 1.25 Acres of land and Anumaiah was allotted 2.12 Acres of land and they were in separate possession and enjoyment of the respective properties. The husband of the petitioner is the son of Kunnigadu and after the demise of her husband, she claims that she is in absolute

possession and enjoyment of the property in possession of Kunnigadu.

3. The petitioner would further state that the legal heirs of Anumaiah has also sold their share by means of three registered sale deeds in favour of one Anjappa and Manjunath. The petitioner would further state that the legal heirs of Anumaiah, colluded with the 5th respondent and created a fabricated sale deed dated 25.04.2005, in favour of one Shiek Ali and Venkatasamy and they in turn sold the property to the 5th respondent, by way of a registered sale deed dated 15.03.2006.

4. It is the specific case of the petitioner that the 5th respondent is a land grabber and is trying to grab the land taking advantage of her age and in this regard, a criminal case has been registered on the file of the Inspector of Police, Mathigiri Police Station in Cr.No.124 of 20144, as against the 5th respondent for the alleged commission of offence under Sections 447 and 506(ii) IPC and the investigation is still pending. The petitioner has also filed a suit in O.S.No.9 of 2013, on the file of the Court of District Munsif, Hosur, praying for declaration of a title to declare the alleged sale deeds as null and void and prayed for consequential injunction and the petitioner is not having the benefit of any interim orders.

5. The grievance expressed by the petitioner is that inspite of pendency of criminal case and civil suit, the 5th respondent has applied for approval for the layout to the 4th respondent by including the petitioner's land and in this regard, she submitted a representation dated 20.02.2015 to all the respondents, which were also acknowledged and the 2nd respondent vide his letter/memo dated 19.03.2015, has directed the petitioner to approach the 3rd respondent and since no further progress took place, the petitioner came forward to file this writ petition.

6. The learned counsel appearing for the petitioner would submit that the fact remains that a representation dated 20.02.2015 has also been submitted to the 3rd respondent and it would be suffice to direct the 3rd respondent to consider and dispose of the petitioner's representation on merits within a stipulated time.

7. The Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepts notice for respondents 1 to 4.

8. Taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the representation, this Court, directs the 3rd respondent to consider the representation dated 20.02.2015 submitted by the petitioner, on merits and in accordance with law, after putting on notice the 5th respondent and the persons concerned and pass orders as expeditiously as possible and not later than twelve weeks from

decision taken, to the petitioner as well as to the 5th respondent and persons concerned.

9. The writ petition is disposed of, accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1 The District Collector
Krishnagiri District Krishnagiri.
 - 2 The Block Development Officer
Hosur Krishnagiri District.
 - 3 The Commissioner
Hosur Municipality Krishnagiri District.
 - 4 The Panchayat President
Mookandapalli Village Hosur Taluk
Krishnagiri District.
- + 1 cc to Mr.R.Jayaprakash, Advocate sr.26082
- + 1 cc to the Government Pleader Sr.26135

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W.P.No.14350 of 2015

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