

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:13.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.NO.26549 of 2014

Nithyakalyani

.. Petitioner

Vs

1. The District Collector,
Namakkal District,
Namakkal.
2. The Revenue Divisional Officer,
Thiruchengode,
Namakkal District.
3. The Tahsildar,
Thiruchengode Taluk,
Namakkal District.
4. Yashoda

.. Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus to direct the 3rd respondent to remove the name of the 4th respondent from Patta No.163 for the property at S.No.79/4A, Thodipatti Pudhur Village, Tiruchengode Taluk, Namakkal District by considering the petitioner's representation dated 08.09.2014.

For Petitioner: Mr. R. Jayaprakash

For Respondents: Mr.R. Vijayakumar
Additional Govt. Pleader (R1 to R3)
R-4 - No appearance

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for Respondents 1 to 3. No representation on behalf of the 4th respondent.

2.The petitioner has filed this writ petition for a direction upon the 3rd respondent to remove the name of the 4th respondent from patta No.163 for the property at S.No.79/4A, Thodipatti Pudhur Village, Thiruchengode Taluk, Namakkal District by considering the petitioner's representation dated 8.9.2014.

3. The petitioner's case is that her husband has sold his ancestral property to one Ramasamy Gounder by a sale deed dated 3.12.1999 ignoring the fact that her minor sons and her mother in law are having share over the property. Hence the petitioner filed suits in O.S.No.532 of 20014 on behalf of her minor sons seeking partition of the said property and also a suit in O.S.No.932 of 2004 for permanent injunction on the file of Additional District Munsif Court, Thiruchengode. Both the suits were dismissed by a common judgment dated 2.7.2010, against which appeals have been preferred in A.S.No.21 and 22 of 2011 on the file of Subordinate Court at Tiruchengode and the same is pending.

4. In the interregnum, Ramasamy Gounder died on 5.11.2013 and the son of Ramasamy Gounder sought to include his name in patta and that request was rejected by the 3rd respondent by order dated 27.2.2014. Now the 4th respondent claiming to be a purchaser of a plot in the said property from Ramasamy Gounder seeks issuance of patta.

5. With these facts, the petitioner has filed a representation to the 3rd respondent and the same is still pending.

6. Notice sent to the 4th respondent has been refused with necessary endorsements and the name of the 4th respondent has been printed in the cause list.

7. In the light of the above, without going into the merits of the case, there will be a direction to the third respondent to consider the representation of the petitioner, after issuing notice to the petitioner and the 4th respondent. After issuing notice to the petitioner as well as 4th respondent, the 3rd respondent shall conduct an enquiry, hear the petitioner and the 4th respondent in person, pass a reasoned order on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-सतयमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msr

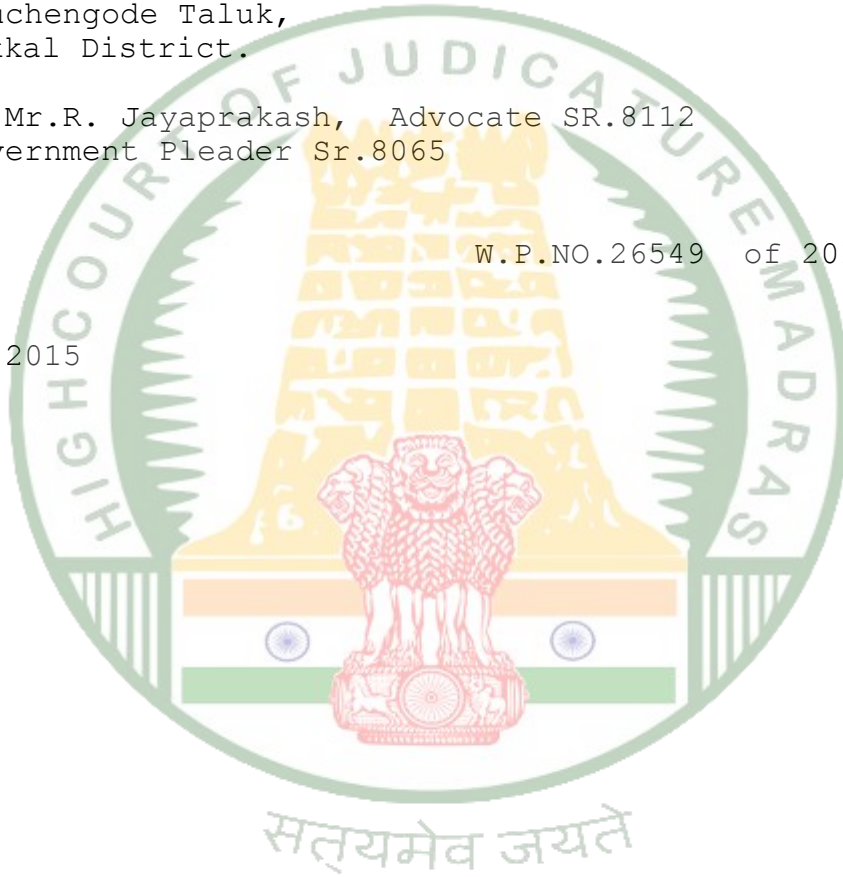
To

1. The District Collector,
Namakkal District,
Namakkal.
2. The Revenue Divisional Officer,
Thiruchengode,
Namakkal District.
3. The Tahsildar,
Thiruchengode Taluk,
Namakkal District.

+ 1 cc to Mr.R. Jayaprakash, Advocate SR.8112
+ 1 cc Government Pleader Sr.8065

W.P.NO.26549 of 2014

SK(CO)
EU 17.03.2015



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