

HIN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.28452 of 2014

And

M.P.No.1 of 2015

S.Ranjani

... Petitioner

Vs.

1.The District Collector
District Collector Office,
Thiruvallur District,
Thiruvallur.

2.The Revenue Division Officer,
Revenue Division Office,
Thiruvallur District,
Thiruvallur.

3.The Tahsildar
Ponnamallee Taluk,
Ponnamallee,
Thiruvallur District.

4.The Zonal Deputy Tahsildar
Ponnamallee Taluk,
Ponnamallee, Thiruvallur District.

5.The Village Administrator Officer,
Parivakkam Village,
Ponnamallee, Chennai.

6.Sarojammal

(R-6 impleaded as per the order of
this Court dated 23.2.2015 made in M.P.No.2 of 2014
in W.P.No.28452 of 2014)

... Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1st to 5th to dispose petitioner representation dated 18.11.2013 in this writ petition.

For Petitioner : Mr.P.Murali
For Respondents : Mr.R.Vijayakumar for R1 to R5
Additional Government Pleader

O R D E R

Heard Mr.P.Murali, learned counsel appearing for the petitioners and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents.

2.The petitioners seek for issuance of Writ of Mandamus to direct the respondents 1 to 5 to dispose the petitioner's representation dated 18.11.2013.

3.The case of the petitioner is that the petitioner's husband was having land at No.10, Parivakkam Village, Survey No.14 and he filed a suit for declaration in O.S.No.127 of 1966 before the Chengalpat Sub-Court and the suit was dismissed by the Sub-Court Chengalpat. Aggrieved by this, the petitioner's husband filed appeal before this Court in A.S.No.82 of 1978 and this Court allowed the appeal by setting aside the decree and judgment in O.S.No.127 of 1966. Thereafter, the petitioner's husband filed E.P.No.14 of 1985 to execute the decree and judgment as a result of which the possession of the property was given to the petitioner's husband by the fifth respondent.

4.Thereafter, the petitioner's husband executed power of attorney to one Mrs.Sakunthala and it was registered in the Sub-Registrar Office at Avadi vide document no.925 of 2000. The said power of attorney was not acted upon and it was cancelled and cancellation of the power of attorney was registered as document no.6 of 2006 IV at Sub-Registrar Office, Avadi. Thereafter, the petitioner's husband issued legal notice to the Power Agent Mrs.Sakunthala dated 25.01.2006 intimating the revocation of the power of attorney and it was received by the said Mrs.Sakunthala on 30.01.2006. The said Mrs.Sakunthala neither replied for the legal notice nor challenged the same in the civil forum.

5.Thereafter, on 03.05.2007 the petitioner's husband executed sale deed in favour of the petitioner and her daughter. Subsequently, an application was made before the 5th respondent for grant of patta. The petitioner did not know what has happened thereafter. On verification by the petitioner's husband, it is known that patta has been granted to one Saroja Ammal in respect of Survey No.14/1, Parivakkam Village. On information it is known that the wrong patta was issued by the fourth respondent. Hence, the petitioner made representation to the first respondent. Thereafter, the second respondent had sent a communication to the third respondent to conduct enquiry and to send a report. So far, the

third respondent has not taken any action and hence the petitioner is before this Court.

6.From the facts, it is seen that the petitioner's representation was forwarded to the Tahsildar, Ponnammallee by the second respondent vide proceedings dated 28.11.2013 with a direction to conduct enquiry and submit appropriate report.

7.Since, the writ petition is disposed of at the admission stage without notice to the sixth respondent, the merits of the allegations made by the petitioner against the sixth respondent are not gone into and it is left open to be considered by the third respondent.

8.In the light of the above, there will be a direction upon the third respondent to consider the petitioner's representation dated 18.11.2013 after issuing notice to the petitioner as well as the sixth respondent and pass orders on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

9.This writ petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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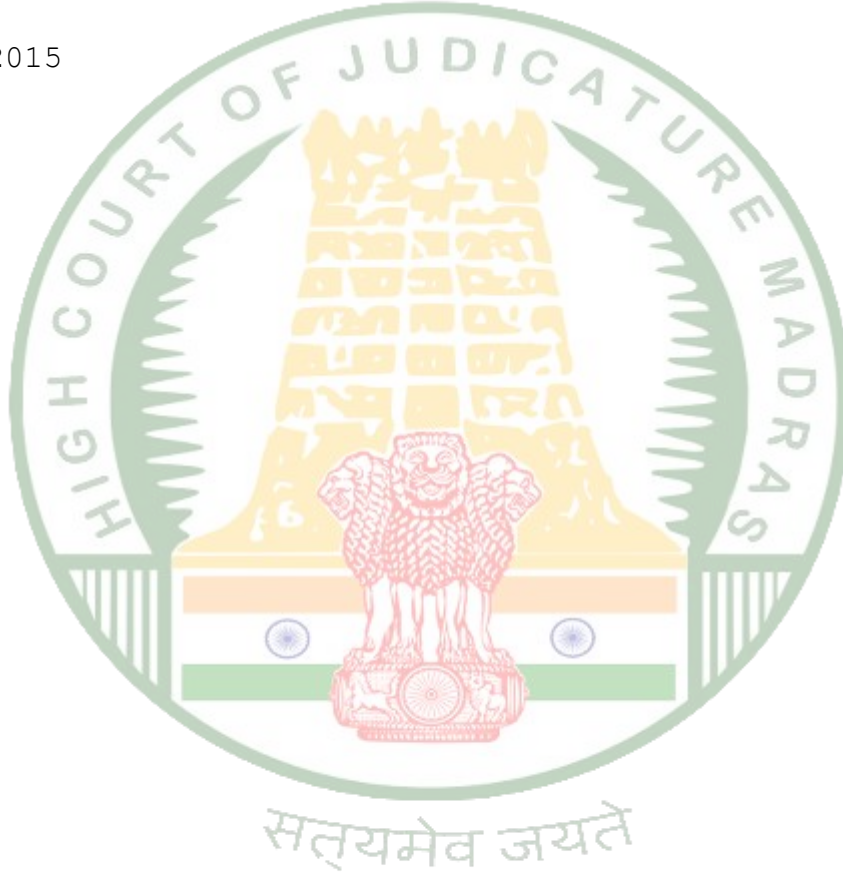
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1 cc to Government Pleader, Sr.No9641/15

W.P.No.28452 of 2014
And
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sr(co)
pmk.11.3.2015



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