



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.(MD)No.14388 of 2015

ALAMELU

.. Petitioner

Vs.

1. THE DISTRICT COLLECTOR,
THANJAVUR DISTRICT, THANJAVUR.
2. THE DISTRICT REVENUE OFFICER,
THANJAVUR DISTRICT, THANJAVUR.
3. THE REVENUE DIVISIONAL OFFICER,
THANJAVUR SUB DIVISION, THANJAVUR.
4. THE TAHSILDAR,
ORATHANADU TALUK, THANJAVUR DISTRICT.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents 1 to 3 to consider the representation of petitioner dated 24.07.2015 and further direct the 1st and 2nd respondent to conduct an fair enquiry in to the manipulation of records in respect of S.No.133/5 admeasuring 0.16.5 Ares situated at Pudur Village Orathanadu Taluk Thanjavur District within a time stipulated by this Court.

For Petitioner	: Mr.R.Pon Karthikeyan
For Respondents	: Mr.M.Murugan
	Government Advocate

O R D E R

This writ petition has been filed for a writ of Mandamus directing the respondents 1 to 3 to consider the representation of petitioner dated 24.07.2015 and further direct the 1st and 2nd respondent to conduct an fair enquiry in to the manipulation of records in respect of S.No.133/5 admeasuring 0.16.5 Areas situated at Pudur Village Orathanadu Taluk Thanjavur District within a time stipulated by this Court.

2.The case of the petitioner is that the subject matter of property comprised in S.Nos.133/5 admeasuring 0.16.05 ares and other properties situated in Pudur village, Orathanadu Taluk, Thanjavur District, originally was belonging to the petitioner's father-in-law



Veerappan Pallavarayar and all those properties have been enjoyed in common by his legal heirs namely (1) Ramasamy Pallavarayar (2) Rengasamy Pallavarayar (3) Krishnan Pallavarayar (4) Thangaiyan Pallavarayar and (5) Pappathi. The petitioner's husband Ramasamy Pallavarayar and another legal heir Thangaiyan Pallavarayar had expired. Therefore, all surviving legal heirs of Veerappan Pallavarayar have entered into a partition deed among them. Thus, the subject matter of survey No.133/5, admeasuring 0.16.05 acres and other properties were allotted as the share of the petitioner's husband late.Ramasamy pallavarayar vide a registered partition deed in Document No.643/2010.

3. It is the further case of the petitioner that while giving effect to the said partition deed, a joint patta No.1759 has been issued on the petitioner's name and her legal heirs. After the said partition deed No.643/2010, there is no transaction in respect of Survey no.133/5 as per encumbrance certificate issued by the Sub Registrar, Orathanadu. While so, on 22.07.2015, when the petitioner verified the revenue records, the petitioner came to know that the fourth respondent has effected a wrong mutation in respect of Survey No.133/5 and transferred the patta (patta No.430) to the name of one Kalaiselvi, W/o.Thangavel, who is no way connected with the property. The fourth respondent has not conducted any enquiry before transferring the patta. Since because of the wrong mutation and taking advantage of the same, the wrongful patta holder Kalaiselvi has been creating problems over the petitioner's properties. In such circumstances, the petitioner made a representation dated 24.07.2015 to the respondents 1 to 3. But till date, no action has been taken. Hence, the petitioner has come forward with this writ petition.

4.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

5.Considering the facts and circumstances of the case, without going into the merits of the matter, this Court directs the second respondent to consider the representation of the petitioner dated 24.07.2015, after conducting enquiry by affording opportunity to the petitioner and to the said Kalaiselvi and other necessary parties, if any, and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion about the merits of the case.

6.This writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar(t&p)

/True copy/

Sub Assistant Registrar



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To

1. THE DISTRICT COLLECTOR,
THANJAVUR DISTRICT, THANJAVUR.

2. THE DISTRICT REVENUE OFFICER,
THANJAVUR DISTRICT, THANJAVUR.

3. THE REVENUE DIVISIONAL OFFICER,
THANJAVUR SUB DIVISION, THANJAVUR.

4. THE TAHSILDAR,
ORATHANADU TALUK, THANJAVUR DISTRICT.

+1CC TO SPECIAL GOVERNMENT PLEADER SR NO.46360

W.P.(MD)No.14388 of 2015
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