



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2015

Coram

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.(MD).No.14823 of 2015

WEB COPY

Rani

:Petitioner

vs.

1.The Revenue Divisional Officer,
Periyakulam, Theni District.

2.The Tahsildar,
Theni Taluk,
Theni District.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, directing the 1st respondent to dispose the Appeal NO.3251/2015, pending before the 1st respondent and thereby direct the respondents to grant patta to the property in Survey No.989/1, situated at Unchampatti Village, Theni Taluk and Theni District, within a time frame fixed by this Court.

For Petitioner :Mr.V.Manikandan

For Respondents :Mr.M.Murugan,
Govt.Advocate.**ORDER**

The Writ Petition has been filed, praying for issuance of a Writ of Mandamus, to direct the 1st respondent to dispose the Appeal NO.3251/2015, pending before the 1st respondent and thereby direct the respondentss to grant patta to the property in Survey No.989/1, situated at Unchampatti Village, Theni Taluk and Theni District, within a time frame fixed by this Court.

2. The case of the petitioner is that the petitioner's father was having the property in Survey No.989/1, measuring to an extent of 1 Acre and 67 Cents. The property is the ancestral property. The petitioner and one Rajalakshmi, Chandragantham, Subburaj, Subbaiah and Selvaraj are the legal heirs of the petitioner's father. While being so, the petitioner's father executed a Settlement Deed No.2217/1965, in favour of the petitioner's three brothers viz., Subburaj, Subbaiah and Selvaraj. The said Subbaiah and Selvaraj died, while they were minor. The petitioner and the said Subburaj, Rajalakshmi and Chandragantham are the legal heirs of Subbaiah and Selvaraj. While being so, the petitioner's brother Subburaj fraudulently executed a power of attorney in favour of one Penthanasamy through Document No.108/2k/2004 in respect of the property belonging to them. In order to accrue the property, the said Pethanasamy had executed a sale deed in favour of his son Mahendiran through Deed No.6548/2006 and 6656/2006, to an extent of each 85 sents and 15 sents respectively. The second respondent without enquiring the petitioner and his sisters as to who is the real owners of the property, transferred the patta to the said Mahendiran. Hence, the petitioner has



filed an appeal as against the transfer of patta. The present writ petition has been filed to give a direction to dispose the said appeal pending in Appeal No.3251 of 2015, within a specific time.

3. When the matter is taken up for consideration, the learned Government Advocate vehemently opposed to grant the relief that the appeal was filed only on 22.06.2015 and therefore, there is no need to fix any specific time limit to dispose the appeal.

4. However, I am of the opinion that an appropriate direction could be given to the 1st respondent to dispose of the appeal, by fixing a sufficient time. Accordingly, the 1st respondent is directed to dispose of the appeal filed by the petitioner on 22.06.2015, and pass appropriate orders on the same, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner and the necessary parties, within a period of six months from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Periyakulam, Theni District.

2.The Tahsildar,
Theni Taluk,
Theni District.

+1cc to Mr.V.Manikandan,Advocate SR.No.48063

+1cc to Special Govt.Pleader SR.No.47786

W.P. (MD) .No.14823 of 2015
18.08.2015

MPK

PA/AMF/SAR-I/25.08.2015/2P/5C(IT)