



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.10.2015

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THE HONOURABLE **MR. JUSTICE R. SUBBIAH**

W.P (MD) .No.18415 of 2015

R.Thilagavathi

...Petitioner

Vs.

1.The District Revenue Officer,
Tuticorin District,
Tuticorin.

2.The Revenue Divisional Officer,
Sub-Collector,
Kovilpatti - 628501,
Thoothukudi District.

3.The Tahsildar,
Ettayapuram,
Tuticorin District.

4.K.Ramasamy Reddiar

...Respondents

Prayer: This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the first respondent to dispose of the petition, dated 24.04.2015 expeditiously and pass final orders on merits, within the stipulated time granted by this Court.

For Petitioner

: Mr.M.P.Senthil

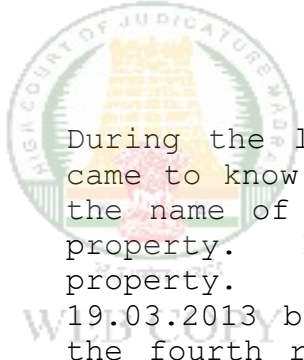
For R-1 to R-3

: Mr.S.Kumar,
Additional Government Pleader

ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the first respondent to dispose of the petition filed by the petitioner, dated 24.04.2015 as expeditiously as possible and pass final orders on merits within a stipulated time.

2. In the affidavit it has been averred that the petitioner is the absolute owner of the Natham property in Survey Nos.64/5 & 104/3 in Veerapatti Village, Ettayapuram Taluk, Thoothukudi District. Originally, the said property was purchased by the husband of the petitioner by a registered sale deed, dated 06.04.1963. Thereafter, by virtue of a registered settlement deed, dated 12.12.2013, the petitioner's husband settled the aforesaid property in favour of the petitioner. From the said date onwards, the petitioner is in possession and enjoyment of the same.



During the life time of the petitioner's husband, in the year 2013, he came to know that in the UDR Chitta in respect of the above said property, the name of the fourth respondent was wrongly mentioned as owner of the property. But the fourth respondent has no right or title over the property. Hence, the petitioner's husband has filed a petition on 19.03.2013 before the respondents 2 and 3 seeking to delete the name of the fourth respondent. Based on the same, the third respondent conducted an enquiry and recommended the same to the second respondent. But, unfortunately, the petitioner's husband died on 25.01.2014. Therefore, after the demise of the petitioner's husband, the petitioner preferred a fresh petition on 29.05.2014 to the second respondent seeking to delete the name of the fourth respondent from the chitta in respect of the petitioner's property in Survey No.64/5 & Survey No.104/3 in Veerapatti Village and to issue patta in the name of the petitioner. The third respondent has also recommended to the second respondent to issue patta in the name of the petitioner in respect of the above said property. The said proceedings was issued in the month of September, 2014. Subsequently, the petitioner filed a Writ Petition in W.P.No.3845 of 2015 seeking for a direction to the respondents to dispose of the petition filed by her. This Court has passed an order dated 19.03.2015 by stating that as per G.O.Ms.No.385, dated 17.08.2014, the petitioner should approach the first respondent viz., the District Revenue Officer, Tuticorin. Pursuant to the said direction, the petitioner preferred a fresh petition, dated 24.04.2015 before the first respondent. After receiving the said petition, the first respondent did not conduct any enquiry. Therefore, the petitioner has made several representations and finally on 17.08.2015. But none of the representations was considered. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

3. Heard the submissions made by the learned Additional Government Pleader appearing for the respondents 1 to 3. In view of the order going to be passed, there is no need to issue notice the fourth respondent.

4. Considering the submissions made by the learned counsel for the petitioner, without going into the merits of the averments made in the Writ Petition, this Court directs the first respondent to consider the petition filed by the petitioner, dated 24.04.2015 and pass appropriate orders on merits and in accordance with law by affording an opportunity of hearing to all the necessary parties including the fourth respondent, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the first respondent to consider the same purely on merits.

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

Sd/-
Assistant Registrar

/True Copy/



1.The District Revenue Officer,
Tuticorin District,
Tuticorin.

2.The Revenue Divisional Officer,
Sub-Collector,
Kovilpatti - 628501,
Thoothukudi District.

3.The Tahsildar,
Ettayapuram,
Tuticorin District.

+1cc to M/S. M.P.Senthil, Advocate in SR.No 59853

+1cc to Special Government Pleader in SR.No. 60119.

TS/16.10.2015/2P - 6C SK-SKN/SAR -I

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