

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.13980 of 2016

Samardhani

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Athur, Salem District.

2. Venkatesan Chettiyar

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to pass appropriate orders on the representation made by the petitioner on 20.1.2013 and 20.11.2015 which is an appeal under the Tamil Nadu Patta Book Act in respect of the land comprised in Nos.1/4C, 1/5, 153/1A, 153/B, 4/8, 5/6, 7/1, 7/2A situated at Kamakkapalayam Village, Athur Taluk, Salem District.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.P.Sanjay Gandhi,
Additional Government Pleader,
for R.1

सत्यमेव जयते

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to pass appropriate orders on the representations dated 20.1.2013 and 20.11.2015 made by her, which is an appeal under the Tamil Nadu Patta Book Act, in respect of the land comprised in Survey Nos.1/4C, 1/5, 153/1A, 153/B, 4/8, 5/6, 7/1, 7/2A situated at Kamakkapalayam Village, Athur Taluk, Salem District.

2. It is the case of the petitioner that the property comprised in Survey Nos.1/4C, 1/5, 153/1A, 153/B, 4/8, 5/6,

7/1, 7/2A situated at Kamakkapalayam Village, Athur Taluk, Salem District, originally belonged to her husband late Palani and his brother Venkatesan. They were in joint possession and enjoyment of the said property and joint patta No.141 was also issued in common name. While so, during the year 1998, it seems that the second respondent has obtained a separate patta in his name as if he is the individual owner of the said property in Patta No.399 by the proceedings of the Tahsildar, Attur dated 25.11.1998 without the knowledge of the petitioner and her son, who are the legal representatives and co-owners of the said property. The said proceedings for transfer of patta were passed without notice to the petitioner and her son and without conducting any enquiry. Aggrieved over the same, the petitioner filed an appeal before the first respondent on 26.3.2004. Since no orders were passed on the said appeal, he made another representation dated 20.11.2015 to the first respondent. Since the same was also not disposed of by the first respondent, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

4. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the first respondent to consider the representation of the petitioner dated 20.11.2015, which is an appeal under the Tamil Nadu Patta Book Act, in respect of the land comprised in Survey Nos.1/4C, 1/5, 153/1A, 153/B, 4/8, 5/6, 7/1, 7/2A situated at Kamakkapalayam Village, Athur Taluk, Salem District, and pass appropriate orders / take appropriate action, on merits and in accordance with law, by affording an opportunity of personal hearing to the petitioner as well as to the second respondent and other necessary parties, if any, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim projected by the petitioner and it is for the first respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sbi

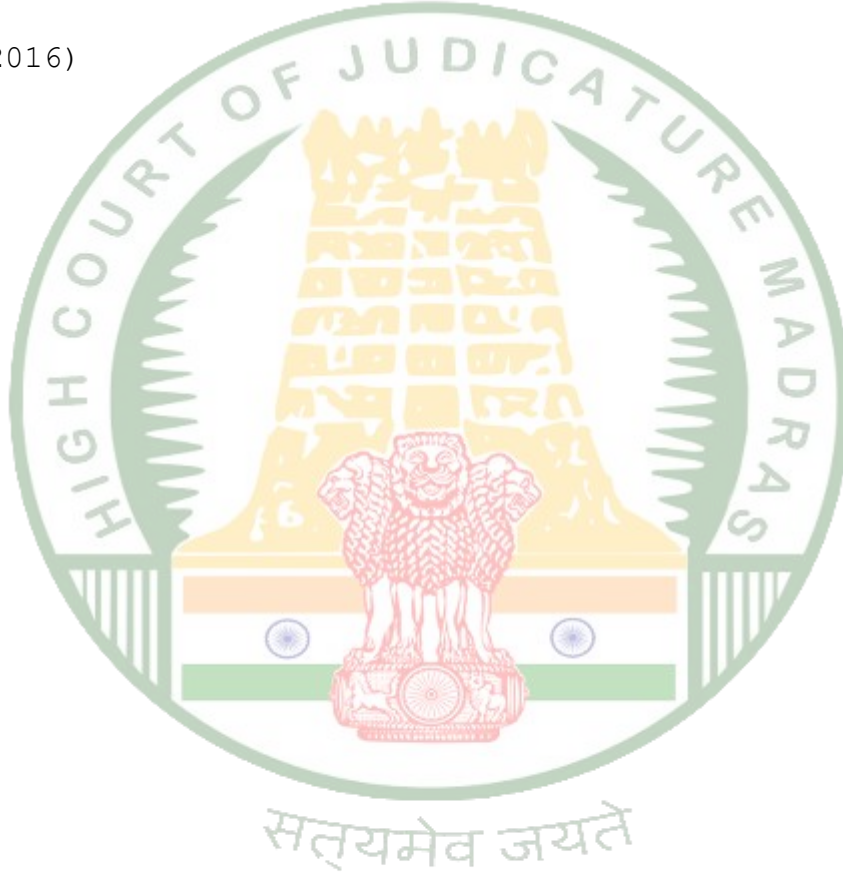
To

The Revenue Divisional Officer,
Athur,
Salem District.

+1cc to the Government Pleader, S.R.No.23832

W.P.No.13980 of 2016

KS (CO)
CA (09/05/2016)



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