

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.18736/2016

1.Savithiri
2.Sivajothi
3.Ravi
4.Dhandapani
5.Mohan
6.Kalaiselvi
7.Malathi
8.Jayanthi

... Petitioners

Versus

1.The Collector
Cuddalore District, Cuddalore.
2.The Tahsildar
Vridhachalam Taluk
Cuddalore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, to direct the respondents to pass orders on the representation dated 04.04.2016 given by the petitioners.

For Petitioners : Mr.R.Gururaj

For Respondents : Mr.R.Govindasamy, Spl.GP

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O R D E R

By consent, the writ petition is taken up for final disposal.

2 Originally, the husband of the 1st petitioner and father of the petitioners 2 to 8, viz., Mr.Kaliamurthi, has filed WP.No.18986/2010 on the file of this Court, praying for issuance of a writ of certiorarified mandamus, to quash the proceedings of the Collector, Cuddalore District dated 20.11.2009 and consequently to direct the respondents to alter the patta in respect of S.No.171/1 A.C.1.32 in Gangaikondan

village, Vridhachalam Taluk, Cuddalore District in the name of the petitioner therein. This Court, vide order dated 22.01.2015, has allowed the writ petition and set aside the order of the 1st respondent dated 20.11.2009 and remanded the matter to the 2nd respondent, viz., the Tahsildar, Vridhachalam Taluk, for fresh consideration and also to provide the petitioner an opportunity of personal hearing. The grievance expressed by the petitioner therein, viz., Kaliyamurthi, was that despite the said order, the 2nd respondent is not properly conducting the enquiry. In the interregnum, the said Kaliyamurthi, husband of the 1st petitioner herein, died and thereafter, the 3rd petitioner herein has submitted a representation dated 04.04.2016 on his behalf and on behalf of the other petitioners also, to the respondents herein, praying for the change of name in the above said patta and since no orders are passed, the petitioners are before this Court, by way of filing the present writ petition.

3 Learned counsel for the petitioners would submit that the 2nd respondent is not properly conducting the enquiry and therefore, the petitioners are constrained to approach this Court by filing the present writ petition.

4 Per contra, the learned Special Government Pleader, who accepts notice on behalf of the respondents, would submit that if the petitioners are aggrieved by the alleged inaction of the 2nd respondent, it is open to them to file a petition for contempt, alleging violation of the orders passed by this Court in WP.No.18986/2010 to enforce the earlier order and a fresh writ petition cannot be filed and prays for dismissal of the writ petition.

5 This Court carefully considered the rival submissions.

6 This Court, in the order dated 22.01.2015 made in WP.No.18986/2010 filed by the husband of the 1st petitioner herein, has allowed the writ petition and set aside the order with a further direction, directing the 2nd respondent herein to consider the records produced and pass appropriate orders in accordance with law and the grievance expressed by the petitioners is that the 2nd respondent is not properly conducting the enquiry.

7 In the light of the above facts and circumstances, this Court permits the 3rd petitioner to appear before the 2nd respondent on 20.06.2016 along with all the documents to substantiate the claims of the petitioners and on receipt of

the same, the 2nd respondent is directed to consider the said records on merits and in accordance with law and pass orders as expeditiously as possible and not later than 12.07.2016.

8 The writ petition is disposed of with the above direction. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

AP

To

1.The Collector
Cuddalore District, Cuddalore.

2.The Tahsildar
Vridhachalam Taluk
Cuddalore District.

1 cc to Government Pleader, Sr. 29804

1 cc to Mr.R. Gururaj, Advocate, Sr. 2682

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