

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.09.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.31141 of 2016

1. S.Madheeswari
2. N.Periyasamy
3. S.Mani

.. Petitioners

Vs.

1. The District Collector,
Salem District, Salem - 1.
2. The Revenue Divisional Officer,
Attur - 636 102, Salem District.
3. The Tahsildar,
Attur Taluk - 636 102,
Salem District.
4. Ammani Ammal
5. Dhanalakshmi

... Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 to 3 to consider and pass orders on merits by disposing the written representation made by the petitioners on 03.08.2016 within a stipulated time fixed by this Court.

For Petitioners : Mr.C.Prakasam

For Respondents : Mr.A.N.Thambidurai
Spl. Government Pleader - R1to R3

O R D E R

This Writ Petition has been filed to direct the respondents 1 to 3 to consider and dispose written representation of the petitioners dated 03.08.2016 within a stipulated time fixed by this Court.

2. The case of the petitioners is that in the year 1970, the Revenue Department assigned land situated in Survey Nos.116/1 and 156/1, Ramanaickenpalayam Village (South) & Post, Attur Taluk, Salem District in favour of one Lakshmana Naicker. In the year 1974, the said Lakshmana Naicker, as a oral sale, sold one part of the land to one Semmalai Padayatchi and in the year 1976, he sold another part of the land to one Karuppan and physical possession of the said properties were handed over to them. Subsequently, the said Semmalai Padayatchi and his son Rajendran and Murugesan and the said Karuppan and his son Duraisamy and others sold the land in favour of one Narayanan, Chellammal, Selvaraj and Perumal respectively through an unregistered sale deed and in turn the said Narayanan Chellammal and Selvaraj obtained patta from the Tahsildar, Attur and subsequently, the said Selvaraj, Narayanan and Chellammal executed gift deed in favour of the petitioners through registered gift deed in the year 2010. After the gift deed, the petitioner are in possession and enjoyment of the said land by constructing a house in the said land and the petitioners are paying house tax and property tax. Even though the first petitioner's husband, second petitioner's father and the third petitioner's wife have purchased the said land on the basis of the patta issued by the third respondent and subsequently, gifted the said property to the petitioners, their names have not been included in the 'A Register' by removing the name of the said Lakshmana Naicker. Therefore, the petitioners have submitted a representation to the respondents on 03.08.2016 for issue of patta in the name of the petitioners. But no action has been taken on the said representation till date and hence, the present Writ Petition has been filed.

3. Heard the learned counsel for the petitioners and the learned Special Government Pleader for the respondents.

4. In view of the submissions made on either side, this Court, without going into the merits of the claim made by the petitioners, directs the respondents, to dispose of the representation of the petitioners after giving notice to all the parties concerned and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioners.

5. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vrc

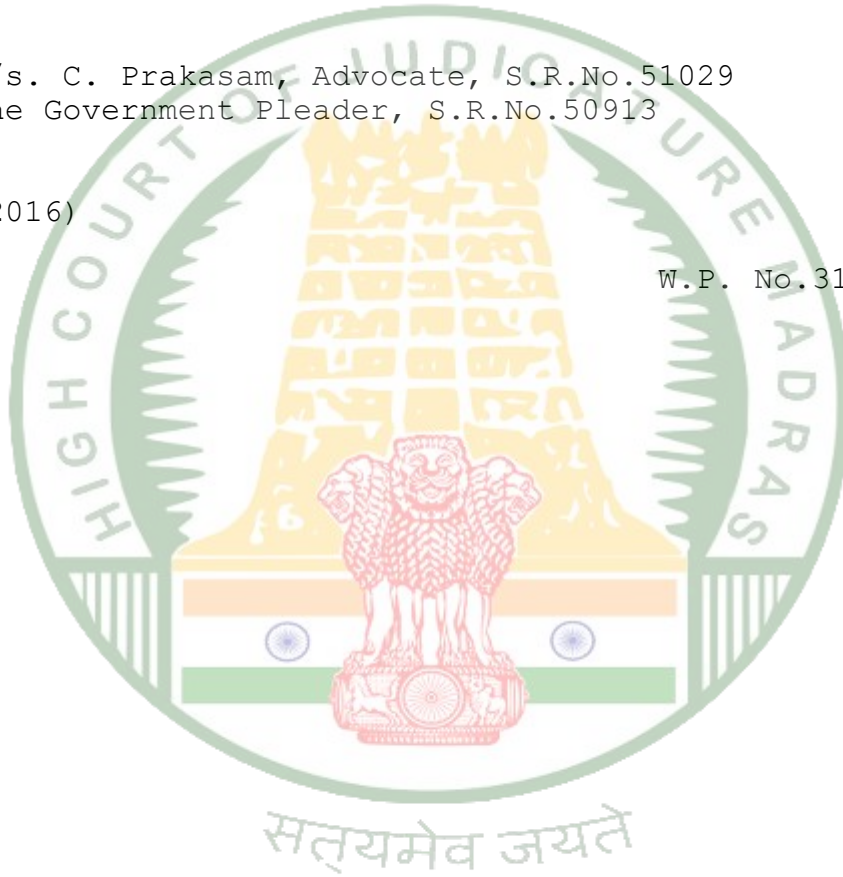
To

1. The District Collector,
Salem District, Salem - 1.
2. The Revenue Divisional Officer,
Attur - 636 102, Salem District.
3. The Tahsildar,
Attur Taluk - 636 102, Salem District.

+1cc to M/s. C. Prakasam, Advocate, S.R.No.51029
+1cc to the Government Pleader, S.R.No.50913

NR(CO)
EU(22/09/2016)

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