

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.5739 of 2016

Mrs.Jothimani

.. Petitioner

Vs.

1. The District Collector,
Cuddalore District, Cuddalore.
2. The Tahsildar,
Office of the Tahsildar,
Kattumannarkoil Taluk,
Cuddalore District.
3. Village Administrative Officer,
M.Puliangudi Village and Post,
Kattumannarkoil Taluk,
Cuddalore District.
4. N.Balakrishnan
5. Vasantha

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to consider and dispose of the representations of the petitioner, dated 04.06.2015 and 21.07.2015 addressed to the first respondent within the time frame that may be fixed by this Court.

For Petitioner : Mr.V.M.Venkatramana

For Respondents : Mr.P.Sanjay Gandhi,
Addl.G.P. for RR-1 to 3

ORDER

The petitioner has filed the above Writ Petition for issuance of a Writ of Mandamus to direct the first respondent to consider and dispose of the representations of the petitioner, dated 04.06.2015 and 21.07.2015 addressed to the first respondent within the time frame fixed by this Court.

2. The petitioner avers in the affidavit filed in support of the Writ Petition that she is the owner of the property of an extent of 3 cents comprised in Natham R.S.No.23/1, present R.S.No.149/5, Block No.5 in M.Puliangudi Village and Post, Kattumannarkoil Taluk, Cuddalore District, purchased by way of Registered Sale Deed in Document No.649 of 1984, dated 16.07.1984, registered in the Office of the Sub-Registrar, Komaratchi from one Purasami, son of Arumugam. It is her case that she is the absolute owner of the said property and is in possession of the same. The abovesaid petitioner's vendor (A.Purasami) is the petitioner's husband's elder brother. It is further stated by the petitioner that the fourth and fifth respondents, who are husband and wife, in collusion with the third respondent, are trying to interfere with the peaceful possession of the petitioner's property. Therefore, the petitioner filed a Writ Petition in W.P.No.12847 of 2006, in which, this Court, while disposing of the said Writ Petition, by order dated 28.04.2006, directed the second respondent to dispose of the representation, dated 03.10.2005, stated therein, in accordance with law, within a period of four weeks from the date of receipt of a copy of the said order of this Court. Thereafter, the second respondent surveyed the petitioner's property and ascertained the fact as to whether the property is in the petitioner's name. It is the grievance of the petitioner that various representations of the petitioner to the respondents 1 and 2 to make necessary changes in the Revenue Records to include her name, were not considered. The last two representations are dated 19.05.2015 and 25.05.2015, which are also pending with the second respondent. It is the further grievance of the petitioner that one Sankar, who is the son-in-law of the fourth and fifth respondents, has been acting as intermediary to the third respondent and the third respondent is trying to create and change the Revenue Records pertaining to the petitioner's property, in favour of the fourth and fifth respondents. Since the third respondent is openly threatening the petitioner, the petitioner sent representation dated 04.06.2015, to the first respondent, followed by another representation, dated 21.07.2015 to take action against the third respondent. Since those representations, dated 04.06.2015 and 21.07.2015 are pending with the first respondent, she has filed this Writ Petition for the above relief.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3, who took notice. In view of the order that is going to be passed by this Court, it is not necessary to give notice to the respondents 4 and 5.

4. Therefore, considering the limited scope of the prayer made in the Writ Petition, this Court directs the first respondent to consider the above said representations of the

petitioner, dated 04.06.2015 and 21.07.2015 and after giving an opportunity of hearing to the petitioner and necessary parties, including the fourth and fifth respondents herein, dispose of the said representations, on merits and in accordance with law, 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 view on the merits of the claim of the petitioner and it is for the first respondent to decide the same in accordance with law.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

cs

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

Copy to

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Cuddalore District, Cuddalore.
2. The Tahsildar,
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M.Puliangudi Village and Post,
Kattumannarkoil Taluk,
Cuddalore District.

+ 1 cc to Mr.V.M.Venkatramana, Advocate Sr 10089

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