

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.6190 of 2016
and WMP.No.5531 of 2016

Tmt.Amina Bi

.. Petitioner

Vs.

1.The District Collector
Sathuvachari,
Vellore District.

2.The Revenue Divisional Officer
Thirupathur Taluk,
Vellore District.

3.The Tahsildar
Ambur Taluk,
Vellore District.

4.The Village Administrative Officer,
Keelmurungai Village,
Ambur Taluk,
Vellore District.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus to call for the records relevant to the order in Na.Ka.P3/10818/2015 dated December 2015 passed by the 3rd respondent and to quash the same as illegal, improper and against the natural justice and thereby direct the respondents to grant patta in respect of the property situated in Survey No.108, Keelmurungai Village, Ambur Village, Ambur Taluk, Vellore District to an extent 2.83.0 Hectare or 6.99Acres of the land in the name of the petitioner.

For Petitioner : M/s.M.V.Muralidaran

For respondents: M/s.V.Jayaprakash Narayanan, Spl.GP.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come up with the present writ petition for issuance of writ of certiorarified mandamus to call for the records relevant to the order in

Na.Ka.P3/10818/2015 dated December 2015 passed by the 3rd respondent and to quash the same as illegal, improper and against the natural justice and thereby direct the respondents to grant patta in respect of the property situated in Survey No.108, Keelmurungai Village, Ambur Village, Ambur Taluk, Vellore District to an extent 2.83.0 Hectare or 6.99Acres of the land in the name of the petitioner.

3.The petitioner submits that the land in Old S.No.28, New S.No.108, Keelmurungai Village, Ambur Taluk, Vellore District has been under the possession and enjoyment by her husband late Ibrahim Sahib and his family members. During the life time of petitioner's husband he executed a registered Will dated 01.02.1993 in Doc.No.146 of 1993 in favour of the petitioner. After the death of petitioner husband the said property devolved upon the petitioner through the registered Will. The petitioner was blessed with ten children, all of them are indulged in agricultural activities for their livelihood. All the revenue documents i.e, tax receipts, EB connection white meter card and other relevant documents clearly shows the name of petitioner and her family members are in absolute possession and enjoyment of the said property, the petitioner's husband also addressed various representations requesting the respondents for issuance of patta. Earlier the petitioner approached this Court by way of WP.No.25451/2001 seeking to consider the application dated 16.08.2011 for grant of patta, this Court by an order dated 03.11.2011 directed the 3rd respondent to consider the representation of the petitioner within eight weeks.

4.In compliance to the order of this Court dated 03.11.2011, the third respondent conducted enquiry and passed the impugned order dated 10.12.2015 rejecting the claim of the petitioner stating that the land in Survey No.108 has got proposal to construct Government Buildings. Aggrieved over the said order, the petitioner preferred an appeal before the second respondent/RDO on 22.01.2016. In the meanwhile, the respondents 3 and 4 came the petitioner land and threatened her to vacate and handover the property to them. Hence, the petitioner filed the present writ petition.

5.Heard the submissions of learned counsel appearing for the petitioner and the learned Special Government Pleader who accepts notice on behalf of the respondents.

6.This Court is of the view that the petitioner has already preferred an appeal dated 22.01.2016 before the RDO/Second respondent and the same is pending, instead of quashing the impugned order dated 10.12.2015, this Court directs the Second respondent/RDO to dispose of the appeal within the stipulated time.

7.Considering the facts and circumstances and without going into the merits of the same, directs the petitioner to submit fresh copy of the appeal along with the copy of this order within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said copy of the appeal, the Second respondent shall consider the claim of the petitioner, on merits and in accordance with law, within a period of eight weeks, thereon, after affording opportunity of personal hearing to the petitioner as well as to the necessary parties, if any. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim of the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

tsh

To

1.The District Collector
Sathuvachari,
Vellore District.

2.The Revenue Divisional Officer
Thirupathur Taluk,
Vellore District.

3.The Tahsildar
Ambur Taluk,
Vellore District.

4.The Village Administrative Officer,
Keelmurungai Village,
Ambur Taluk,
Vellore District.

+1cc to Mr.M.V. Muralidaran, Advocate, S.R.No.10730
+1cc to the Government Pleader, S.R.No.11078

EV(CO)
EU(09/03/2016)

W.P.No.6190 of 2016.