

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.7863 of 2016

Valliyammai

... Petitioner

Vs

1.The Tahsildar
Athur Taluk,
Salem District - 636 102.

2.The Village Administrative officer
Appamma Samuthiram,
Athur Taluk,
Salem District - 636 102.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent to consider to dispose of the petitioner representation on 27.11.2015 and mutuate her name in the revenue records of the respondent.

For Petitioner : Mr.S.Ravichandran
For Respondents : Mr.P.Sanjay Gandhi, AGP.

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 forward with the present Writ Petition seeking for issuance of mandamus directing the second respondent to consider to dispose petitioner representation on 27.11.2015 and mutated her name in the revenue records of respondent.

3.The petitioner submits that the agricultural land comprised in S.No.13/7 acres 0.30, S.No.13/13 acres 0.14.0, S.No.13/14 acres 0.07.5, S.No.19/1 acres 0.30.0 and residential plot admeasuring 960sq.ft situated at Thennakudipalayam, Athur Taluk, Salem District belongs to one Mr.Subramanian who is the brother of the petitioner herein. The petitioner's brother executed a will in favour of the petitioner herein during 1983 and on his demise, the petitioner has acquired the property and thereafter he is in absolute right and possession of the said property.

4.While so, one Alamelu and her son are claiming that the property belongs to them. Due to their interference the petitioner was constraint to file suit for injunction against Alamelu and her son before District Munsif, Athur and the said suit was decreed in favour of the petitioner on 25.04.2013. Thereafter, the petitioner was in possession and cultivating the above said land and residing in the residential plot without any interference.

5.The petitioner being the absolute owner by virtue of will executed by her brother late Subramaniam, the petitioner gave her representation dated 27.11.2015, to the respondents for mutation of her name in the revenue records. The respondents acknowledged the receipt of representation, but till date no action has been initiated. Hence, the petitioner filed the present writ petition.

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

7.Considering the facts and circumstances and without going into the merits of the same, this Court directs the first respondent to consider the claim of the petitioner, on merits and in accordance with law, within a period of six weeks, from the date of receipt of a copy of this order, 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.

8.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

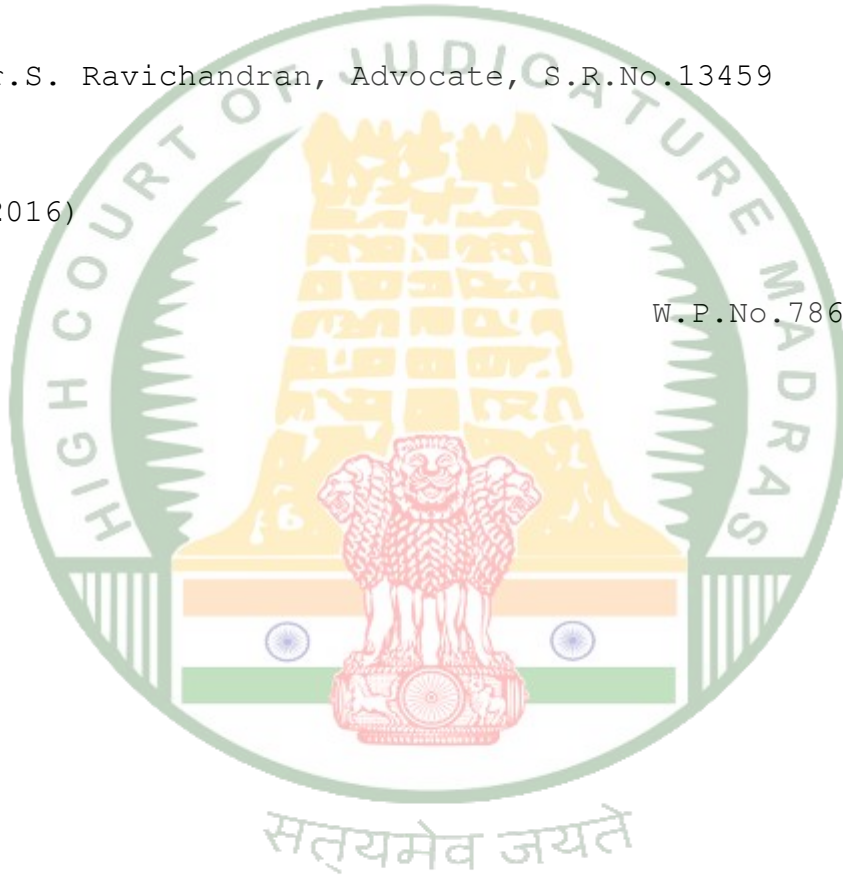
1.The Tahsildar
Athur Taluk,
Salem District - 636 102.

2.The Village Administrative officer
Appamma Samuthiram,
Athur Taluk,
Salem District - 636 102.

+1cc to Mr.S. Ravichandran, Advocate, S.R.No.13459

CA(CO)
EU(21/03/2016)

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