

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.9653 of 2016

Saroja @ Chandrabanu

.. Petitioner

Vs.

1. The District Collector,
O/o The District Collector,
Coimbatore District,
Coimbatore-641 018.
 2. The District Revenue Officer,
O/o The District Collector,
Coimbatore-641 018.
 3. The Tahsildhar,
O/o The Tahsildhar,
Pollachi-642 001.
 4. The Village Administrative Officer,
Kottur Malayandipattinam,
Pollachi Taluk,
Pollachi-642 001.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents not to issue patta in respect of the properties stated in the petitioner's representation, dated 11.02.2016 to any third party, without issuing notice to the petitioner.

For Petitioner : Mr.R.Shanmugam

For Respondents : Mrs.P.Rajalakshmi, Govt. Advocate

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents not to issue patta in respect of the properties stated in the petitioner's representation, dated 11.02.2016 to any third party, without issuing notice to the petitioner.

2. It is the case of the petitioner that she is the younger daughter of late Mr.M.V.Chellamuthu Gounder and Mrs.Vallinayagam; she is having two elder sisters, namely Mrs.Jayalakshmi and Mrs.Rajeswari. The petitioner's father secondly married Mrs.Manounamani and no child was born out of their wedlock. The petitioner's family belongs to ancestral Zamindar family, who lived in Malayandipattinam. The petitioner's grandfather late K.Vathagounder possessed a vast acre of land in Malayandipattinam and the petitioner's father offered lands for the welfare and growth of Malayandipattinam; for example, the Government Hospital, Village Office, Police Station, Bus Stand, BSNL Office, etc., are situated in the lands offered by the petitioner's father; the Government Higher Secondary School in Malaiyandipattinam is called in the name of Manounmani Chellamuthu Higher Secondary School. Hundreds and hundreds of acres in Angalakurichi belong to the petitioner's family as ancestral properties.

3. It is further stated by the petitioner that her father died on 05.12.1967 and Mrs.Manounmani died intestate on 15.09.1996. The learned District Munsif, Pollachi, in O.S.No.360 of 2012, by judgment and decree, dated 08.06.2013, declared that the petitioner's mother Mrs.Vallinayagam, the petitioner's sisters, namely Mrs.Jayalakshmi, Mrs.Rajeswari and the petitioner, are the legal heirs of the deceased Mrs.C.Manonmani, wife of M.V.Chellamuthu Gounder, Kottur Malayandipattinam Village, Pollachi Taluk.

4. It is the further case of the petitioner that her grandmother Mrs.Chinnammal settled some properties to Mrs.Manounmani, by settlement deed in Doc.No.903/1968 and Mrs.Manounmani got DTP approval for the lands in Survey Nos.724, 722, 723, 719 in the year 1976 and in Survey Nos.719, 722, 723, 724 in the year 1982 at Malayandipattinam, Kottur, Pollachi, Coimbatore. In the said DTP approval sites, Mrs.Manounmani sold the lands in the name of Manounmani Layout while she was alive and after her death, none of her DTP approved lands were sold. It is the grievance of the petitioner that suppressing the above facts, some people in Malayandipattinam are trying to get patta for the DTP approved properties by falsely stating that those lands are 'Natham Kudiyiruppu'. Hence, the petitioner apprehends danger of misappropriation to the DTP approved properties in respect of the above said survey numbers. Therefore, she made a representation, dated 11.02.2016 to the respondents stating that patta should not be issued to any other third party. As the said representation is still pending, the petitioner has filed this Writ Petition for the above relief.

5. Heard both sides. Learned Government Advocate appearing for the respondents, on instructions, submitted that already, based on the petitioner's representation, dated 11.02.2016, the

first respondent-District Collector, by proceedings, dated 21.03.2016, directed the third respondent-Tahsildar to conduct an enquiry and send a report.

6. In view of the above submission made by the learned Government Advocate, this Court, without going into merits of the case, directs the third respondent-Tahsildar to consider the said representation of the petitioner, dated 11.02.2016, based on the above said proceedings of the District Collector, dated 21.03.2016, conduct enquiry, give an opportunity of personal hearing to the petitioner and necessary parties, pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the third respondent to decide the same.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

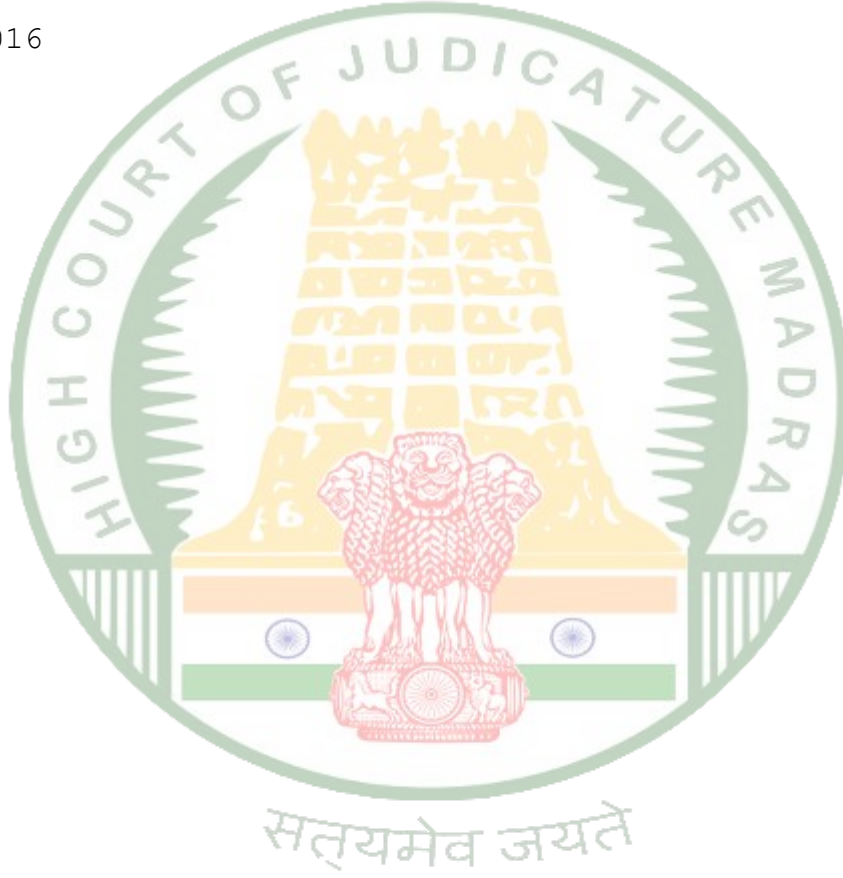
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+1 cc to Mr.S.Saravanan Advocate sr.20810
+1 cc to Government Pleader sr.20533

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