



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.10696 of 2016

WEB COPY

1.Mohanan
2.Sugandhi
3.Kalai Santhi
4.Rajkumar
5.Sahaya Mallika @ Mallika
Represented through their Power Agent
S.Shanthi

..Petitioner

Vs.

The Tasildhar,
Kulithurai,
Vilavancode Taluk,
Kanniyakumari District.

..Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus directing the respondent to grant patta to the petitioner's power Principals for the property in New Survey No.201, New Survey No.197-3A, Old Survey No.3015, 3014 with an extent of 328 Acres 53 cents situated at Kaliyal Village, Vilavancode Taluk, Marthandam, Kanniyakumari District by considering the petitioner's representation, dated 16.06.2015, within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen
For Respondent : Mr.S.Kumar,
Additional Government Pleader

O R D E R

Heard both sides.

2. By consent, the main Writ Petition itself is taken up for final disposal.

3. No counter-affidavit is filed on behalf of the Respondent.

4. According to the Petitioner, her Power Principals namely 1.Mohannan, 2.D.Sunganthi Rani, D.Kalai Shanthi, 4.D.Rajkumar @ Rajan, 5.D.Sahamalliga @ Malliga, had all executed a General Power of Attorney Deed, in her favour on 25.05.2011. The said Power Deed is still in force. Earlier, the Property in New Survey No.201, New Survey No.197-3A, Old Survey No.3015, 3014 with an extent of 328 Acres 53 cents, situated at Kaliyal Village, Vilavancode Taluk, Marthandam, Kanniyakumari District, belonged to her Power Principals' father. After their father's demise, her Power Principals, had inherited the above said property and the said Principals, are in peaceful possession and enjoyment of the property till now.



5. It comes to be known that the Petitioner's Power Principals' father had filed a suit in O.S.No.257 of 1994 on the file of the Learned Subordinate Judge, Nagarcoil, seeking a relief of declaration and permanent injunction and the same was dismissed and thereafter, against the said judgment and decree, Appeal Suit in A.S.No.11 of 1997 was filed on the file of the Learned Principle District Judge, Nagarcoil, and the same ultimately came to be dismissed. Later, a Second Appeal was filed in S.A(MD) No.,696 of 2013 before this Court and pending the said Second Appeal, after her Power Principals' father expired, applications were filed to implead the Legal Representatives and to permit the Petitioner to conduct the Second Appeal on behalf of her Power Principals. That Applications were allowed and the Second Appeal was taken on file and ultimately, the said Second Appeal came to be allowed on 29.04.2015. In the judgment and decree, dated, 29.04.2015, it was observed as follows:

"2.That the appellants/Plaintiffs be and hereby are entitled to plaint schedule property for possession of the same.

3.That the Respondents/Defendants be and hereby are restrained by way of injunction from interfering or disturbing with the peaceful exclusive property in any manner whatsoever and possession."

6.The main grievance of the Petitioner is that her representation, dated 16.06.2015, is pending on the file of the Respondent/Tasildhar, Kulithurai, Vilavanvode Taluk, Kanniyakumari District, as on date, without any progress or disposal. Hence, she has filed the present Writ Petition.

7. Considering the fact that the representation of the Petitioner, dated 16.06.2015, is pending on the file of the Respondent/ Respondent/Tasildhar, Kulithurai, Vilavanvode Taluk, Kanniyakumari District, without any progress or disposal, at this stage, this Court in the interest of justice, directs the Respondent/ Respondent/Tasildhar, Kulithurai, Vilavanvode Taluk, Kanniyakumari District, to look into the representation of the Petitioner, dated 16.06.2015 and dispose of the same, on merits by passing a reasoned speaking order(Of course after providing necessary opportunity to the Petitioner and others concerned), by adhering to the Principles of Natural Justice, within a period of six weeks from the date of receipt of a copy of this Order.

With the above direction(s), this Writ Petition stands disposed of. No Costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/



To

The Tasildhar,
Kulithurai,
Vilavancode Taluk,
Kanniyakumari District.

+1cc to M/s.A.Haja Mohideen, Advocate in SR.42309
+1cc to the Special Government Pleader, in SR.42573

W.P (MD) No.10696 of 2016
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pm

PBK/GSV-PM/SAR-I 05/08/2016 ::3P-4C:: (IT)