



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.07.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.13067 of 2016

C.A.Babu

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer/
Sub-Collector,
Sivakasi, Virudhunagar District.
- 3.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 3rd respondent to issue patta in respect of the property situated in Survey No.32/2A3, Anaiyur Village and Panchayat, Sivakasi Taluk, Virudhunagar District within the stipulated period.

For Petitioner	: Mr.G.Marimuthu
For Respondents	: Mr.J.Gunaseelan Muthiah Govt. Advocate

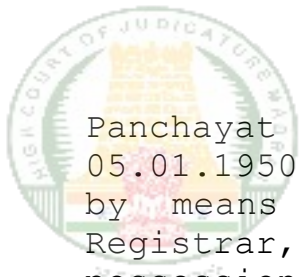
O R D E R

Heard both sides.

2. By consent, the main writ petition itself is taken up for final disposal.

3. No counter is filed on behalf of the respondents 1 to 3.

4. According to the petitioner, his mother M.Mariammal was the original owner of the property, situated in Sy.Nos.33/2B and 33/2A, Anaiyur Village and Panchayat, Sivakasi Taluk, Sivakasi



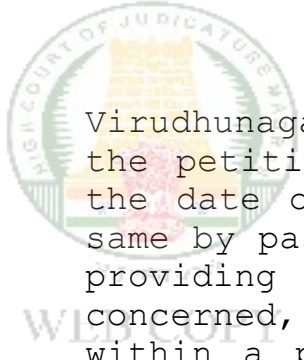
Panchayat Union, Virudhunagar District. As a matter of fact, on 05.01.1950, she purchased the said property from erstwhile owners by means of document No.14/1950 registered before the Sub-Registrar, Sivakasi. Eversince the date of purchase, she was in possession and enjoyment of the property and changed patta in her name.

5. The stand of the petitioner is that he and his younger sister R.Giragalakshni are the legal heirs of his mother Mariyammal and in fact, the third respondent/Tahsildar, Sivakasi Taluk, issued a legal heirship certificate to that effect. Indeed, on 08.10.2013, his mother expired leaving behind him and his younger sister as her legal heirs. Also that, during her lifetime, she had not executed any settlement deed or Will in favour of any persons relinquishing the title of the property.

6. The categorical plea taken on behalf of the petitioner is that after the life time of the petitioner's mother, the petitioner made enormous representations to the Tahsildar to change patta in his name and his sister has no objection for changing the patta in his name and on 06.08.2015, he submitted a representation to the District Collector and on 28.08.2015, the first respondent/District Collector, Virudhunagar District forwarded his representation to the 2nd respondent/Revenue Divisional Officer/Sub-Collector, Sivakasi for necessary action. Also, on 10.05.2016, he submitted another representation to the first respondent/District Collector, Virudhunagar District and the Office of the District Collector forwarded his representation to the 3rd respondent/Tahsildar, Sivakasi Taluk for necessary action. Apart from that, he gave a representation to the Additional Secretary and Commissioner of Land Administration in the subject matter in issue and in fact, the Office of the Commissioner of Land Administration forwarded his representation to the District Revenue Officer, Virudhunagar District for necessary action. In spite of the same, no action has been taken by the 3rd respondent/Tahsildar, Sivakasi Taluk, Virudhunagar District to dispose of his representation in accordance with Law. Hence, he has filed the present writ petition.

7. At this stage, the Learned Counsel for the Petitioner projects an argument that the 3rd respondent/Tahsildar, Sivakasi Taluk, Virudhunagar District cannot keep the application of the petitioner pending without disposing of the same.

8. In view of the fact that the petitioner's representation dated 10.05.2016 addressed to the first respondent/District Collector, Virudhunagar District is now pending on the file of the third respondent/ Tahsildar, Sivakasi Taluk, Virudhunagar District, without any disposal, till this date, at this stage, this Court, in the interest of Justice and Fair Play, directs the third respondent/Tahsildar, Sivakasi Taluk,



Virudhunagar District, to take up the representation/petition of the petitioner dated 10.05.2016 within a period of one week from the date of receipt of copy of this order and to dispose of the same by passing a reasoned, speaking order on merits (of-course by providing necessary opportunity to the petitioner and others concerned, by following the principles of Natural Justice), within a period of 3 weeks thereafter. The petitioner is also required to lend his assistance and unstinted co-operation to the third respondent/Tahsildar, Sivakasi Taluk, Virudhunagar District so as to enable him to dispose of his representation, dated 10.05.2016.

7. With the aforesaid observation(s) and direction(s), the writ petition stands disposed of. No costs.

sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer/
Sub-Collector,
Sivakasi, Virudhunagar District.

3.The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

+1 cc to MR.G.MARIMUTHUR, Advocate Sr.NO.39588

+1 cc to Special Government Pleader SR.No.39735

VS

SME/SKSN/02/08/2016 :3P/6C

26.07.2016

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