



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 27.07.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P(MD)No.13273 of 2016

A.Lakshmi

... Petitioner

Vs

1.The Revenue Divisional Officer,
Madurai District.

2.The Tahsildar,
Thirupparankundram Taluk,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd Respondent to dispose of the Petitioner's representation, dated 09.10.2015 within the stipulated period.

For Petitioner : Mr.K.Baskaran

For Respondents : Mr.S.Kumar

Addl.Govt.Pleader.

ORDER

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.

4. According to the Petitioner, her father Ayyavu died and left behind him the properties comprising in Survey Nos.61/1B, 61/2A2A, 61/2A2C, 61/3, situated at Parapathi Village, Thirupparankundram Taluk, Madurai District. Her father died intestate on 08.04.2002 and in fact, the Second Respondent / Tahsildar, Thirupparankundram Taluk, Madurai District, had issued a Legal heir Certificate on 18.02.2009. In fact, she is entitled to get her share from her father's property.

5. The stand of the Petitioner is that her co-brothers fabricated forged documents and executed General Power of Attorney, in favour of Sri Annapoorna Gowri Sankar Estate and Construction Private Limited, before the Sub Registrar, Madurai South, on 09.04.2007, (vide Document Nos.1735 and 1736 of 2007). In support of the said Power of Attorney, the said Company had executed a Sale Deed in favour of one Kalpana W/o.Ragu, residing at 198B, Palace Road, Madurai, bearing Document No.9947, dated 30.07.2007. In support of the said Sale Deed, the Second Respondent / Tahsildar, Thirupparankundram Taluk, Madurai District. transferred the

patta in favour of the said Kalpana.

6. After coming to know about the real facts, she and her co-sister namely, Pappathi approached the Second Respondent / Tahsildar, Thirupparankundram Taluk, Madurai District, to cancel the patta and submitted a representation, on 09.10.2015. Once again, she approached the First Respondent / Revenue Divisional Officer, Madurai District, to dispose of her representation and in fact, he forwarded her petition / representation to the Second Respondent / Tahsildar, Thirupparankundram Taluk, Madurai District, to take necessary action. Till date, the Petitioner has not received any positive communication from the respondents' side. Hence, she has filed the present Writ Petition.

7. In view of the fact that the Petitioner's representation, dated 09.10.2015 is pending before the Second Respondent / Tahsildar, Thirupparankundram Taluk, Madurai District, and at this stage, on behalf of the Respondents it is brought to the notice of this Court that the proper person to deal with the representation of the Petitioner is only the First Respondent / Revenue Divisional Officer, Madurai and as such, this Court, directs the First Respondent / Revenue Divisional Officer, Madurai, to look into the representation of the Petitioner, dated 09.10.2015, and to pass a reasoned speaking order, on merits, (by affording necessary opportunity to the Petitioner, by adhering to the principles of natural justice, in true letter and spirit) in a fair, free, unbiased and dispassionate manner, within a period of one week from the date of receipt of a copy of this order.

8. The Petitioner is also directed to lend her assistance and co-operation to the First Respondent / Revenue Divisional Officer, Madurai, so as to enable him to dispose of her representation, dated 09.10.2015, within the time determined by this Court, as stated supra.

9. In case, the First Respondent / Revenue Divisional Officer, Madurai is in need of relevant documents / records from the Petitioner, then, it is incumbent on the part of the Petitioner to furnish the same before the First Respondent so as to enable him to do the needful in the subject matter in issue.

10. With the aforesaid observations and directions, the Writ Petition stands disposed of. No costs.

Sd/
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar.

To

- 1.The Revenue Divisional Officer, Madurai District.
- 2.The Tahsildar, Thirupparankundram Taluk, Madurai District.
- +1CC to the Special Government Pleader, SR.No. 40082

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