



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 27.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.13300 of 2016

Kaliammal

...Petitioner

Vs

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Sivakasi,
Virudhunagar 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 include the name of legal heirs in patta No.1930 in respect of property at Virudhunagar District, Sivakasi Taluk, Eenjar Village, Ayan Punjai in Survey No.1166/2A to a total extent of 2.52.50 hectares, by considering Petitioner's representation, dated 17.06.2016.

For Petitioner : M/s.T.Kalaiselvi

For Respondents : Mr.S.Kumar

Addl.Govt.Pleader.

ORDER

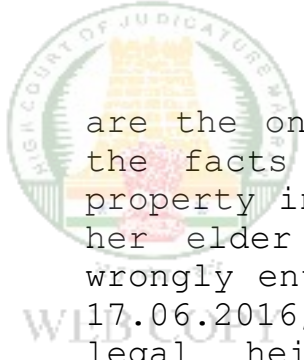
Heard both sides.

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

3. No counter is filed on behalf of the Respondents.

4. According to the Petitioner, her father Veerapa S/o.Veeru possessed the property at Eenjar Village, Sivakasi Taluk, Virudhunagar District in Survey No.1166/2A, measuring an extent of 2.52.5 Hectares. Her father was in absolute possession and enjoyment of the subject property. As a matter of fact, her father expired on 10.11.1962 and her mother V.Krishnammal also expired in the year 1960. She along with one Eswarathevar, Eswariammal, Lakshiammal, Govindammal and Ganapathiammal are siblings and they are the legal heirs to the above said property.

5. It comes to be known that the Petitioner's brother Eswarathevar and sisters Eswari Ammal and Lakshmi Ammal had passed away few years back and Govindammal, Ganapathi Ammal and herself



are the only legal heirs, who are very much alive. When that be the facts situation, she was shocked and surprised to see the property in Survey No. 1166/2A stand in the name of Eswara Thevar, her elder brother and some other unknown persons, which were wrongly entered. Therefore, she submitted a representation, dated 17.06.2016, addressed to the Respondents to include the name of legal heirs viz., V.Krishnammal, Eswarathevar, Eswariammal, Lakshmiammal, Govindammal and Ganapathiammal and herself, who are the legal heirs of her deceased father V.Veerappa S/o Veeru, as per the certificate, dated 03.06.2016. issued by the Second Respondent/ Tahsildar, Sivakasi, Virudhunagar, in the above patta, bearing No.1930, in respect of the property at Virudhunagar District, Sivakasi Taluk, Eenjar Village, Ayan Punjai bearing Survey No.1166/2A, measuring an extent of 2.52.50 hectares.

6. The grievance of the Petitioner is that inspite of numerous efforts made by herself along with her sisters to include the name of legal heirs in the patta No.1930, the Respondents had not taken any diligent steps in this regard. Hence, she has filed the present Writ Petition.

7. Considering the fact that the Petitioner's representation, dated 17.06.2016, in the subject matter in issue, is pending before the Second Respondent/ Tahsildar, Sivakasi, Virudhunagar District, at this stage, this Court, simpliciter directs the Second Respondent/ Tahsildar, Sivakasi, Virudhunagar District, to look into the representation of the Petitioner, dated 17.06.2016 and to dispose of the same on merits (of course after providing necessary opportunity to the Petitioner and others concerned, by adhering to the principles of natural justice) within a period of four weeks from the date of receipt of a copy of this order.

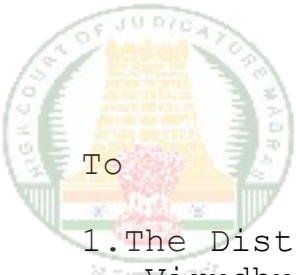
8. In case, the Second Respondent/ Tahsildar, Sivakasi, Virudhunagar District, is in need of any relevant documents / records from the Petitioner, then, it is incumbent on the part of the Petitioner to furnish the same before the Second Respondent/ Tahsildar, Sivakasi, Virudhunagar District, so as to enable him to do the needful in the subject matter in issue.

9. The Petitioner is also directed to lend her assistance and co-operation to the Second Respondent / Tahsildar, Sivakasi, Virudhunagar District, so as to enable him to dispose of her representation, dated 17.06.2016, within the time determined by this Court, as stated supra.

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

Sd/-

Assistant Registrar(W)



To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Sivakasi,
Virudhunagar District.

+1cc to the Special Government Pleader, in SR.40077
+1cc to M/s.T.Kalaiselvi, Advocate in SR.39838

W.P (MD) No.13300 of 2016
27.07.2016

mpk

PBK/GSV-PM/SAR-I 01/08/2016 ::3P-5C:: (IT)