



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 01.08.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.13697 of 2016

C.A.Babu

... Petitioner

Vs

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
3. The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.
4. The Tahsildar,
Sivakasi Taluk,
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 Fourth Respondent to issue patta in respect of the property situated in Ayan Punja Survey No.33/1, Cimco Colony, Anaiyur Village and Panchayat, Sivakasi Taluk, Virudhunagar District within the time stipulated by this Court.

For Petitioner : M/s.G.Marimuthu
For Respondents : Mr.S.Kumar
Addl.Govt.Pleader

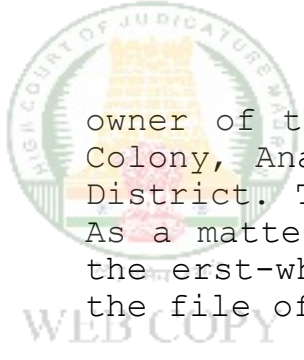
ORDER

Heard both sides.

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

3.No counter is filed on behalf of the Respondents.
<https://hcservices.ecourts.gov.in/hcservices/>

4.According to the Petitioner, his mother Mariyammal was the



owner of the property situated in Ayan Punja Survey No.33/1, Cimco Colony, Anaiyur Village and Panchayat, Sivakasi Taluk, Virudhunagar District. The total extent of the property is 2 acres and 56 cents. As a matter of fact, on 25.5.1990, she purchased the property from the erst-while owner Kaliyappa Nadar vide Document No. 766/1950, on the file of the Sub-Registrar, Sivakasi.

5.The stand of the Petitioner is that on 26.3.2014, his mother Mariyammal died leaving behind the Petitioner and his sister R.Girgalakshmi, as her legal heirs. During her life-time, she had not executed any sale deed or settlement deed in favour of any persons relinquishing her rights in the property. In fact, the Tahsildar, Sivakasi Taluk issued a certificate that the Petitioner and his younger sister are the legal heirs of their mother Mariyammal.

6.The categorical case of the Petitioner is that soon after the death of his mother, he made numerous representation to the authorities seeking issuance of patta to the property in Ayan Punja Survey No.33/1, Cimco Colony, Anaiyur Village and Panchayat, Sivakasi Taluk, Virudhunagar District in his name. Further on 27.7.2015, he submitted a representation to the Fourth Respondent/The Tahsildar, Sivakasi Taluk, Virudhunagar District on this aspect. In this regard, later, on 29.12.2015, he submitted a representation to the First Respondent/The District Collector, Virudhunagar District, Virudhunagar seeking for issuance of direction to the Tahsildar for grant of patta On 3.1.2016, the Office of the First Respondent forwarded the Petitioner's representation to the Fourth Respondent for necessary action. But the Fourth Respondent, for the reasons best known to him, had not taken any steps to dispose of the representation in accordance with Law.

7.Considering the fact that the Petitioner's representation, dated 27.7.2015 in the subject-matter in issue is pending with the Fourth Respondent/The Tahsildar, Sivakasi Taluk, Virudhunagar District, this Court, in the interest of justice, directs the Fourth Respondent to look into the representation of the Petitioner, dated 27.7.2015 within a period of one week from the date of receipt of a copy of this order. Thereafter, the Fourth Respondent is directed to dispose of the same in a free, fair, unbiased and dispassionate manner, on merits(of course after providing necessary opportunity to the Petitioner and others concerned, if any, by adhering to the principles of natural justice in true letter and spirit) within a period of three weeks thereafter. It is open to the Petitioner to produce copies of all necessary/relevant documents before the Fourth Respondent/The Tahsildar, Sivakasi Taluk, Virudhunagar District, this Court, and the Fourth Respondent in-turn shall take into consideration of the same at the time of disposal of the representation of the Petitioner, dated 27.7.2015. The Petitioner is directed to lend his assistance and co-operation in this regard, to the Fourth Respondent, in disposing of his



representation, dated 27.07.2015, within the time specified by this Court.

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

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Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
3. The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.
4. The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

+ 1 CC TO MR.G.MARIMUTHU, ADVOCATE IN SR No. 40917
+ 1 CC TO SPECIAL GOVERNMENT PLEADER, IN SR No. 41228

VSN

TE/ARK-PV : 08/08/2016 : 3P/7C

W.P (MD) No.13697 of 2016

01.08.2016