



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:04.08.2016

CORAM

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.13994 of 2016

Mahan @ Mahalakshmi

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Kodaikanal,
Dindigul District.

2.The Tahsildar,
Kodaikanal,
Dindigul District.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 1st respondent to initiate a patta cancellation proceedings in respect of Patta Nos. 806 & 1200 in Survey No.32/1A & 32/1B1 respectively in Poolathur Village, Kodaikanal Taluk, Dindigul District, by considering the petitioner's representation dated 02.01.2016 within the stipulated period as fixed by this Hon'ble Court.

For Petitioner :Mr.P.Krishnaveni

For Respondents :Mr.S.Kumar

Additional Govt. 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 is filed on behalf of the respondents.

4. According to the petitioner, she and her sister filed a suit in O.S.No.17 of 2001, on the file of the Learned District Munsif Court, Kodaikanal, seeking to declare the two sale deeds dated 28.06.1999 and 30.06.1999 as null and void. The said suit came to be decreed in favour of the petitioner on 11.10.2013.

<https://hcservices.ecourts.gov.in/hcservices/>

5.It comes to be known that even after possessing the knowledge of the decree, one Jeya and Rani, who are the vendees



approached the second respondent/Tahsildar, Kodaikanal, Dindigul District, to change the patta by suppressing the decree of the Civil Court. In fact, the second respondent/Tahsildar also had not conducted a proper enquiry and in a mechanical manner changed the patta to the said persons' name viz., Jeya and Rani and subdivided the survey numbers as 32/1A and 32/1B. Also, in the pending suit, the said Jeya executed a deed dated 14.12.2009 in favour of the said Rani in respect of her property. Further the said Rani executed a sale deed in favour of one Vijayalakshmi dated 23.02.2011.

6. The categorical version projected on the side of the petitioner is that with the help of the bogus documents, the said Jeya and Vijayalakshmi changed the patta in their names in bearing Nos.806 and 1200 respectively. In reality, the second respondent/Tahsildar, Kodaikanal, Dindigul District, without verifying the records properly and without providing adequate opportunity to her and other interested persons, mechanically changed the patta in favour of the said Jeya and Vijayalakshmi. Thus, in order to cancel the patta proceedings, passed in favour of the Jeya and Vijayalakshmi, she made a representation before the first respondent/Revenue Divisional Officer, Kodaikanal, Dindigul District. Till date, the said representation is pending without any progress or disposal.

7. Inasmuch as the petitioner's representation dated 02.01.2016 addressed to the first respondent/Revenue Divisional Officer, Kodaikanal, Dindigul District is pending without any progress, in the subject matter in issue, at this stage, without traversing upon the merits and contents of the representation of the petitioner dated 02.01.2016, simpliciter, directs the first respondent/Revenue Divisional Officer, Kodaikanal, Dindigul District to look into the representation of the petitioner dated 02.01.2016, within a period of one week from the date of receipt of copy of this order. Thereafter, the first respondent/Revenue Divisional Officer, Kodaikanal, Dindigul District is to dispose of the same by passing a speaking, reasoned order on merits in a fair, free, unbiased and dispassionate manner, (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. The petitioner is also required to lend her assistance and co-operation to the first respondent/Revenue Divisional Officer, Kodaikanal, Dindigul District, so as to enable him to do the needful in the subject matter in issue.

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

Sd/-

Assistant Registrar(CSII)



To

1.The Revenue Divisional Officer,
Kodaikanal,
Dindigul District.

2.The Tahsildar,
Kodaikanal,
Dindigul District.

+One cc to The Special Government Pleader, SR.No.42207

+One cc to Mr.P.Krishnaveni, Advocate, SR.No.41857

VS

RL/5C/2P/DB/10/8/2016

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