



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2016

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P(MD) .No.22019 of 2016

1.R.Pandi Murugan
2.Vijaya Pandian

... Petitioners

Vs

1.The District Collector,
Theni District, Theni.
2.The District Revenue Officer,
Office of the District Revenue Office,
Theni.
3.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Theni.
4.The Tahsildar,
Office of the Taluk Office,
Theni.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the respondents herein to issue the patta in respect of the property comprised in S.No.226/7 measuring an extent of 80 cents bearing patta No.2101 in fasli 1382 having DKT 33/82 of Koduvilarpatti village, Theni District in favour of the petitioners' on the basis of representation, dated 30.08.2016 within the time stipulated by this Court.

For petitioner : Mr.M.Karuppasamy Pandian
For Respondents : Mr.R.Anandharaj
Government Advocate

ORDER

The writ petition has been filed for a direction, directing the respondents herein to issue the patta in respect of the property comprised in S.No.226/7 measuring an extent of 80 cents bearing patta No.2101 in fasli 1382 having DKT 33/82 of Koduvilarpatti village, Theni District in favour of the petitioners, on the basis of representation, dated 30.08.2016 within the time stipulated by this Court.



2. According to the petitioners, they claim to be the owners of the property in S.No.226/7, measuring an extent of 80 cents in Kaduvilarpatti Village, Theni District. Earlier, patta stands in the name of their father and subsequently, during the UDR survey scheme, patta was fraudulently transferred in the name of one Kandhavelamy. After coming to know of the said fact, the petitioner approached the Tahsildar, Theni on 25.11.2011 and requested him to cancel the fraudulent patta. Earlier, the said Kandhavelamy filed a suit in O.S.No.210 of 2011 on the file of the District Munsif Court, Theni and the said suit was dismissed. Against the same, an appeal in A.S.No.30 of 2013 on the file of the Sub-Court, Theni was filed and the same was also dismissed by an order dated 15.02.2016 and no further second appeal was filed against the judgment and decree passed in A.S.No.30 of 2013. Earlier, when the appeal was pending, the petitioners filed a writ petition before this Court in W.P.(MD).No.20640 of 2013, seeking a direction to conduct an enquiry on the appeal of the petitioners dated 28.10.2013 and dispose of the same on merits and in accordance with law. This Court, by an order dated 24.03.2014, directed the first respondent/Revenue Divisional Officer to consider his representation and pass orders and pursuant to the above order, the Revenue Divisional Officer did not pass any orders. In the above circumstances, the petitioners have filed a representation, dated 30.08.2016 before the 2nd and 3rd respondents. So far, no order has been passed. In the above circumstances, the present writ petition has been filed.

3. Taking into consideration of the facts and circumstances, the third respondent/Revenue Divisional Officer, Theni District is directed to consider the petitioners' representation, dated 30.08.2016 and pass suitable orders, after issuing notice to the rival claimants on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

5. Accordingly, this writ petition is disposed of. No costs.

Sd/-

Deputy Registrar (ADMN)

/True Copy/

Sub Assistant Registrar



1.The District Collector,
Theni District, Theni.

2.The District Revenue Officer,
Office of the District Revenue Office,
Theni.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Theni.

4.The Tahsildar, Office of the Taluk Office,
Theni.

+1CC to Mr.M.Karuppasamy Pandian, Advocate Sr.No.69680
+1CC to Spel.Government Pleader Sr.No.70268

GJM/10/01/2017-3p-7c

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