

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2017

CORAM

THE HON'BLE Mr.JUSTICE N.KIRUBARAKAN

W.P.No.23407 of 2017

Sumathi

... Petitioner

Vs

1.District Revenue Officer,
Thiruvallur District.

2.Panchaamirtham

3.The Revenue Divisional Officer,
Thiruvallur District.

(suo motu impleaded as per
order of this Court dated 30.08.2017) ... Respondents

Writ Petition filed under Article 226 of The
Constitution of India praying to issue a writ of
mandamus, to direct the Respondent to dispose the
petition dated 10.05.2017 on the file of the 1st
respondent.

For Petitioner : Mr.Manokaran for
Mr.V.S.Mannarasamy

For Respondents: Mr.S.Rajeswaran
(for R1 & R3)
Special Government Pleader

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O R D E R

The petitioner's father purchased the property comprising an extent of 27 cents in survey No.308/2B, 32 cents in survey No.303/3, measuring a total extent of 59 cents in Thozhuvur Village, Thiruvallur Taluk and District. Subsequently, her father died on 20.01.1968, leaving behind the petitioner, her mother and sisters. Thereafter, the petitioner's mother also died on 23.02.2013. Till 2015, the revenue records have been standing in the name of petitioner's father vide patta

No.5585. However, the second respondent fraudulently mutated the revenue records, created a settlement and included his name as joint patta holder. Having aggrieved by the order including the second respondent's name as joint patta holder, the petitioner filed appeal on 10.05.2017 to the first respondent. Till date the said appeal has not been disposed and hence, the petitioner was constrained to come before this Court.

2.Heard, Mr.Manokaran, learned counsel appearing for the petitioner, Mr.S.Rajeswaran, learned Special Government Pleader appearing for the first respondent. Notice to the second respondent is dispensed with, as this court intends to direct the first respondent to dispose of the petitioner's representation.

3.The learned Special Government Pleader would submit that against order passed by the Tahsildar an appeal would lie only to the Revenue Divisional Officer, Thiruvallur District. Therefore, the Revenue Divisional Officer, Thiruvallur District, is suo motu impleaded as third respondent in this petition. Mr.S.Rajeswaran, learned Special Government Pleader, takes notice on behalf of the third respondent.

4. Considering the facts and circumstances of the case, the petitioner is directed to file a fresh appeal before the third respondent against the order of the Tahsildar in granting joint patta in favour of second respondent as well as petitioner, within one week from the date of receipt of a copy of this order. On receipt of the same, the third respondent shall enquire and dispose of the appeal after giving notice to the second respondent within a period of eight weeks thereafter, on its own merits.

5.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sai/tkp

To
1.District Revenue Officer,
Thiruvallur District.

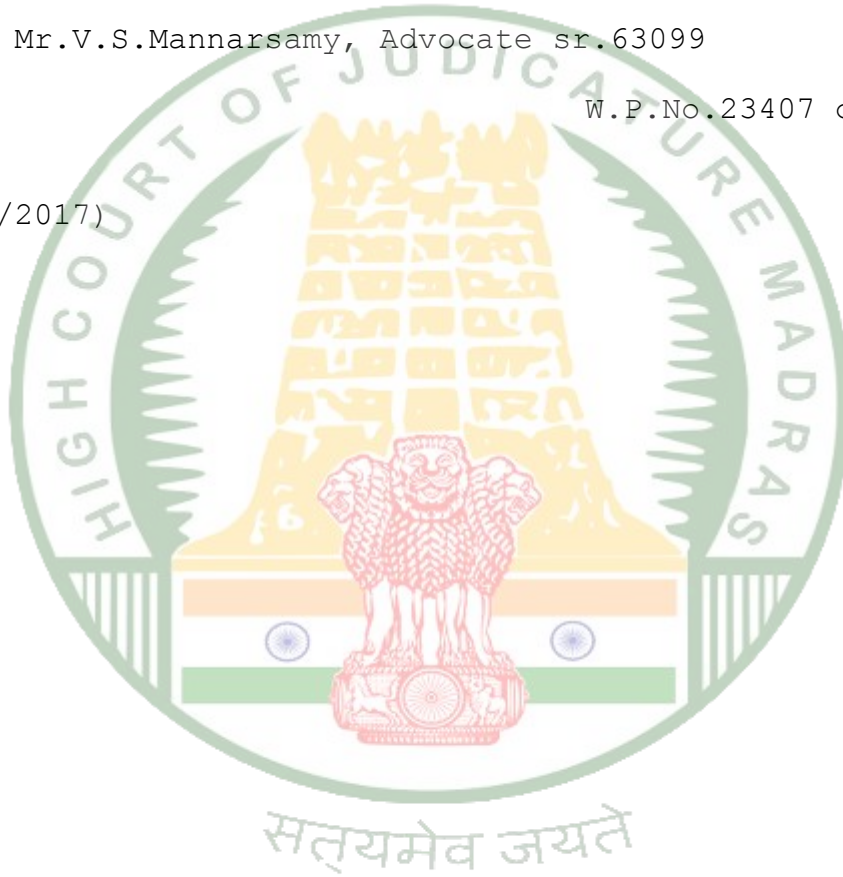
2.The Revenue Divisional Officer,
Thiruvallur District.

+lcc to Government Pleader sr.63401

+lcc to Mr.V.S.Mannarsamy, Advocate sr.63099

W.P.No.23407 of 2017

msm(co)
ss(22/9/2017)



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