



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2017

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

W.P. (MD) No. 11936 of 2017

M. Maria Louis

... Petitioner

Vs.

1) The District Collector,
Dindigul District,
Dindigul.

2) The Tahsildar,
Nilakottai Taluk,
Nilakottai.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to consider the petitioner's representations, dated 06.02.2017, 13.03.2017, 08.06.2017 and 15.06.2017 and change the patta in the name of petitioner as per law within a time fixed by this Court.

For Petitioner	: Mr. R. Ramasamy
For Respondents	: Mr. M. Alagathevan, Special Government Pleader

ORDER

The writ petition is filed for issuance of Writ of Mandamus, directing the respondents to consider the representations of the petitioner, dated 06.02.2017, 13.03.2017, 08.06.2017 and 15.06.2017 and change patta in his name.

2. Mr. M. Alagadevan, learned Special Government Pleader takes notice for the respondents. By consent, this Writ Petition itself is taken up for final disposal.

3. The case of the petitioner is that in the family partition, the lands to an extent of 67 cents in Survey No. 748/7 situated at Sevukampatty village, Nilakottai Taluk was allotted to the petitioner and as such he has been enjoying from the year 1992.

4. The petitioner would allege that since his own brother Sathappan disturbed his possession, he filed a suit in O.S. No. 1020 of 1992 before the Additional Sub Court, Dindigul for declaration and for injunction. Though he succeeded before the trial Court, the judgment was reversed by the appellate Court in A.S. No. 227 of 1994. Eventually, this Court in S.A. No. 1734 of 1996, set aside the judgment and decree of the First Appellate Court and restored the judgment of the Trial Court.



5.The petitioner would further state that during the pendency of the appeal, the petitioner's brother said Sathappan died and his legal-heir Laser had executed a settlement deed in favour of his son Devaraj, who in turn sold the property to one Kamanan in 2014. It is further stated that despite objection from the petitioner, patta was transferred in favour of said Kamanan.

6.The grievance of the petitioner is that even after succeeding in second appeal in S.A.No.1734 of 1996, the patta was not transferred in his favour and the name of Kamanan is not deleted. Hence, he made several representations to the respondents. Since no action has been taken, the present writ petition has been filed.

7.Heard Mr.R.Ramasamy, learned counsel appearing for the petitioner and Mr.M.Alagathevan, learned Special Government Pleader appearing for the respondents.

8. The learned counsel appearing for the petitioner would submit that it would suffice, if the representations of the petitioner are disposed of, by the respondents, on merits and in accordance with law within the time stipulated by this Court.

9. The learned Special Government Pleader appearing for the respondents would submit that the representation of the petitioner will be considered by the respondents on merits and in accordance with law.

10. In view of the above, without going into the merits of the claim made by the petitioner in this Writ Petition, the second respondent is directed to consider the representation of the petitioner dated 15.06.2017 and pass appropriate orders on the same, on merits and in accordance with law, after giving notice to the interested parties, if any, within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (AE)

/True copy/

Sub Assistant Registrar

To

<https://hcservices.hc.madras.gov.in/secure/collectors>
The District Collector,
Dindigul District,
Dindigul.



2) The Tahsildar,
Nilakottai Taluk,
Nilakottai.

+1 CC to M/s. R.RAMASAMY, Advocate, SR No. 62209.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 62526.

SKM/SKN

PSM/KP/SAR2/06.07.2017/3P/5C

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