

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 21.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA**W.P (MD) No.13552 of 2017**

Meenakshi

... Petitioner

vs.

1. The District Collector,
Dindigul District, Dindigul.

2. The Revenue Divisional Officer,
Palani, Dindigul District.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 15.05.2017 within the time limit that may be stipulated by this Court.

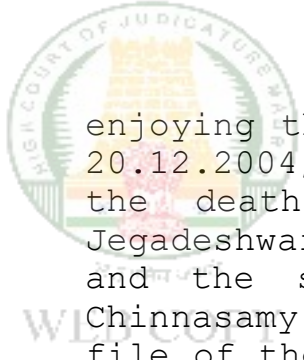
For Petitioner : Mr.A.D.Ganeshamoorthi.

For Respondents : Mr.R. Karthikeyan,
Additional Government Pleader.**ORDER**

By consent of both sides, this writ petition itself is taken up for final disposal.

2.The writ petition has been filed without any cause of action made to call for issuance of Writ of Mandamus. The petitioner claiming to be the daughter of holder of sale agreement entered into between one Muthusamy and her father Rathinasamy, having an extent of one acre 38 cents bearing Survey No.56/2A, situated at Velusamuthiram Village, Palani Taluk, Dindigul District, for valuable consideration of Rs.35,000/-.

3.Although her father paid a sum of Rs.25,000/- as advance on the same day, ie., on 03.10.1991, while executing his sale agreement bearing Document No.1266/1991 dated 03.10.1991, with regard to the said property, for the purpose of paying back the balance amount of sum of Rs.10,000/- within three months from the date of the sale agreement, the sale deed could not be executed. In the sale agreement, it has been mentioned that the possession was handed over to the petitioner's father and they have been



enjoying the same till now. Subsequently, her father expired, on 20.12.2004, without executing the sale deed. Taking advantage of the death of her father, the said Muthusamy and his son Jegadeshwaran made a cancellation of sale agreement on 01.03.2013 and the same was also executed by the petitioner's brother Chinnasamy as a legal heir. The same was also registered on the file of the Joint Sub Registrar Office, Palani, Dindigul District, as Document No.801 of 2013 in respect of the same property and the sale agreement was cancelled after 22 years.

4. Based on the cancellation of the document, the said Muthusamy also executed a settlement in favour of his son Jegadeeswaran. Against which, the petitioner lodged a complaint before the Palani Taluk Police Station and an FIR has also been registered in Crime No.310 of 2014 for offences under Section 420 IPC. Subsequently, the same was altered into one under Section 477 IPC and the same is also pending on the file of the Judicial Magistrate, Dindigul. Subsequently, she has given a complaint on 30.04.2015 under Rule 17(b) of Tamil Nadu Civil Services (Discipline and Appeal) Rules against Jegadeshwaran, since he is working as Revenue Inspector in the office of the first respondent till today.

5. In the enquiry pending against said Jegadeshwaran, the petitioner was also directed to appear on 19.06.2015. After conducting enquiry, a report has been sent to the first respondent for necessary action. However, till date, no action is taken. Therefore, the petitioner has sent a representation on 15.05.2017 to pass final order. But till date, no action has been taken to consider the said representation. Hence, the petitioner is before this Court with this writ petition.

6. Mr. R. Karthikeyan, learned Additional Government Pleader, takes notice for the respondents and sought four weeks time to pass final order.

7. Placing on record the statement of the learned Additional Government Pleader, the first respondent is directed to pass appropriate order on the representation of the petitioner, on merits and in accordance with law, within a period of four weeks from the date of receipt of copy of this order.

8. This writ petition is disposed of, with the above direction. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/



To

1. The District Collector,
Dindigul District, Dindigul.

2. The Revenue Divisional Officer,
Palani, Dindigul District.

+1cc to M/S. A.D.GANESHA MOORTHY, Advocate, SR.No.66915.

+1cc to Special Government Pleader, SR.No.67299.

W.P (MD) Nos.13552 of 2017
21.07.2017

Mrn/RR

SDS/MR:KKR/SAR 3/08.08.2017/2P/5C