



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2017

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WEB COPY

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. (MD) No.18475 of 2017

Arumugam

... Petitioner

-vs-

1. The District Collector,
Dindigul District.2. The Revenue Divisional Officer,
Kodaikanal,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to change and issue assignment patta in petitioner's name for the property in S.No.859/1, Vilpatti Village by considering petitioner's representation dated 01.08.2017 within stipulated time.

For Petitioner : Mr.T.A.Ebenezer

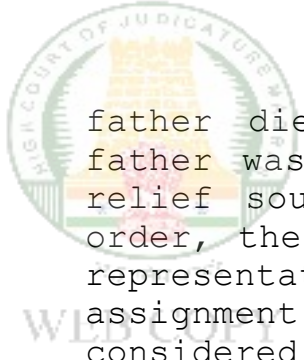
For Respondents : Mr.M.Alagathevan
Spl. Govt. Pleader

O R D E R

This writ petition has been filed, seeking a direction to the 2nd respondent to change and issue assignment patta in petitioner's name for the property in S.No.859/1, Vilpatti Village by considering petitioner's representation dated 01.08.2017.

2. Heard the learned counsel on either side.

3. It is the case of the petitioner that the property in question was assigned to his father on 17.05.1979 and in the order of assignment, the name of the petitioner's grandfather was wrongly entered. Though, on the request of his father, the name of the petitioner's mother was entered, it has been wrongly stated as Saraswathy, W/o.Veeriah instead of Saraswathy, W/o.Subramani @ Subburaj and subsequently, on notice the mistake was rectified. It is the further case of the petitioner that the complaint lodged by Saraswathy, W/o.Veeriah against his father was closed as mistake of fact and the 2nd respondent also submitted a report in favour of the petitioner's father. However, the 1st respondent had cancelled the assignment on 26.11.2010, aggrieved by which, his father filed a writ petition in W.P.(MD) No.21903 of 2016 for consideration of his representation. It is submitted that his



father died on 17.10.2016 and the writ petition filed by his father was disposed of by this Court on 16.11.2016 granting the relief sought by his father. After coming to know of the said order, the petitioner, being the only legal heir, has submitted a representation dated 01.08.2017 to the 2nd respondent for change of assignment patta in his name and since the same has not been considered so far, he is before this Court with the above prayer.

4. At this juncture, the learned Special Government Pleader appearing for the respondents would submit that if a reasonable time is granted to the 2nd respondent, the representation of the petitioner will be considered and suitable orders passed.

5. Considering the limited scope of the relief sought for, this Court, without going into the merits of the case, directs the 2nd respondent to consider the representation of the petitioner dated 01.08.2017 in respect of assignment of patta in his name and pass appropriate orders thereon on its own merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioner and any of the interested parties.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub-Assistant Registrar

To:

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

+One cc to The Special Government Pleader, SR.No.81774

+One cc to Mr.T.A.Ebenezer, Advocate, SR.No.81690

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RL/5C/2P/MR/KKR/SAR2/20/10/2017