

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.19077 of 2018 and
W.M.P.No.22455 of 2018

G.Meganathan

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Petitioner

Vs.

1.The District Collector,
Vellore.

2.The Special Tahsildar - Settlement,
Arcot Town Settlement,
Ranipet, Vellore District.

3.Damodaran

4.Padmavathy

5.Balagujambal @ Banumathy

6.Bagyalakshmi

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Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of mandamus directing the 2nd respondent to refrain from issuance of Patta to any party in respect of the property comprised in S.No.119/1 and 119/2, Block 22, Ward D, Arcot, Vellore District and refer the parties to Civil Court.

For Petitioner : Ms.S.P.Arthi

For Respondents: Mr.P.Rajalakshmi,
Additional Government Pleader (R1 & R2)

सत्यमेव जयते
O R D E R

This Writ Petition has been seeking a direction to the 2nd respondent to refrain from issuance of Patta to any party in respect of the property comprised in S.No.119/1 and 119/2, Block 22, Ward D, Arcot, Vellore District and refer the parties to Civil Court.

2.The learned counsel for the petitioner submitted that after the death of the petitioner's father on 29.03.1998 and mother in early 1960, the surviving legal heirs are the petitioner, his brothers and sisters and had equal rights over the ancestral property. The petitioner's father had executed a Will and subsequently, cancelled the same and once again

executed a Will bequeathing the property to petitioner's siblings. In view of the repeated action viz., execution of Will, cancellation of Will thereof, confusion has arisen. Now, the petitioner's brother is attempting to get patta for a larger share of the property inducing his sisters for the said act. The petitioner raised objection for the same. However, enquiry notice has been issued by the Special Tahsildar - Settlement, Arcot, Ranipet on 04.05.2018 calling upon the petitioner to attend the enquiry on 14.05.2018.

3.The learned counsel for the petitioner submitted that a representation has already been given on 19.09.2017 to the Special Tahsildar - Settlement, Arcot Town Settlement, Ranipet, Vellore and the petitioner will appear for the enquiry and the 2nd respondent may be directed to consider the petitioner's representation dated 19.09.2017.

4.The learned Additional Government Pleader submitted that the Enquiry Officer will consider the representation of the petitioner, after giving opportunity to other parties concerned.

5.In view of the above submission, the Writ Petition is disposed of with a direction to the 2nd respondent to consider the petitioner's representation, after giving notice to all the necessary parties. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

va

To

1.The District Collector,
Vellore.

2.The Special Tahsildar - Settlement,
Arcot Town Settlement,
Ranipet, Vellore District.

+lcc to Ms.S.P.Arthi, Advocate sr.no.50983

+lcc to Government Pleader sr.no.51312

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nr 06/08/2018