



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2018

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.22680 of 2018

Mookkammal

... Petitioner

-Vs-

1.The District Collector,
Karur District,
Karur.

2.The Revenue Divisional Officer,
Kulithalai, Karur District.

3.The Tahsildar,
Kadavur Taluk Office,
Office at Tharagampatti,
Karur District.

4.Thangavelu

5.T.Sudamani

6.P.Palanivel

... Respondents

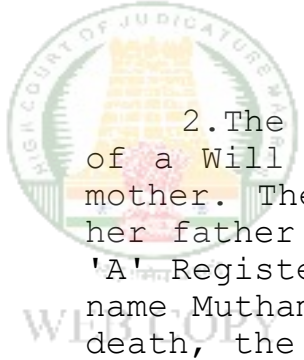
Prayer: Writ petition filed under Article 226 of the Constitution of India, for issuance of Writ of mandamus direct the 2nd respondent to dispose the appeal dated 03/01/2018 seeking to include the petitioners name in patta No.3085, 665 in respect of S.F.Nos 37/3D, 37/3A, 37/6, 37/3E, 37/3B, situated at Mavuthur village, Kadavur Taluk, Karur District.

For Petitioner : Mr.S.Gokulraj

For Respondents : Mrs.J.Padmavathy Devi for R1 to R3
Special Government Pleader

ORDER

The petitioner prayed for issuance of writ of mandamus to direct the second respondent to dispose the appeal, dated 03.01.2018, seeking to include the petitioner's name in patta No.3085 & 665, in respect of the survey Nos.37/3D, 37/3A, 37/6, 37/3E, 37/3B situated at Mavuthur Village, Kadavur Taluk, Karur District, within a stipulated time.



2.The petitioner submits that she inherited the property by way of a Will which has been registered in document No.18/1997 by her mother. The suit property was originally the ancestral property of her father Valiyapillai. After his death the patta in patta No.76, 'A' Register and other revenue records were changed in her mother's name Muthammal, Pitchaipillai and Kaliyapillai. After her mother's death, the respondents 4 to 6 have illegally mutated the records in favour of them and has obtained patta in patta Nos.665 & 3085 by deleting her mother's name by giving representation to the third respondent. There was no opportunity given to the petitioner to defend her case. Since the name was transferred behind her back, the petitioner had sent a representation on 13.11.2017. The same was forwarded by the first respondent to the second respondent. The petitioner also preferred an appeal before the second respondent. Summons were issued and she had also appeared before the authorities on 18.04.2018 and on 15.05.2018. Again the second respondent had sent summons to appear on 25.05.2018. But, he has not passed any orders and hence, she seeks a direction to the second respondent to dispose the appeal, dated 03.01.2018 and include the petitioner's name in patta Nos.3085 & 665 in respect of the above said survey numbers situated at Mavuthur Village, Kadavur Taluk, Karur District.

3.The second and third respondents, who have the authority to pass appropriate orders, have already summoned the petitioner and completed the enquiry in full and till date they have not passed any orders either in favour of the petitioner or rejecting the same. Hence, the petitioner is before this Court seeking direction.

4.Considering the facts and circumstances of the case and the documents available on record, the second respondent is directed to consider the said appeal filed by the petitioner dated 03.01.2018 after verifying the documents and other materials produced by the petitioner and if the enquiry is over, he has to pass appropriate order within a period of four weeks from the date of receipt of a copy of this order. If the second respondent is not satisfied regarding the said enquiry held, he can once again call for all the parties concerned after issuing proper notice and giving them personal hearing and after satisfaction, can pass orders on merits within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CRL SIDE)

/True Copy/

Sub Assistant Registrar(CS I)



To

1.The District Collector, Karur District, Karur.

2.The Revenue Divisional Officer, Kulithalai, Karur District.

3.The Tahsildar, Kadavur Taluk Office, Office at Tharagampatti,
Karur District.

1CC TO MR. S. GOKULRAJ,ADVOCATE SR 95125

1CC TO THE SPL GOVT PLEADER SR 95214

KK RSK SAR 1

28 12 2018

3P 6C

W.P. (MD) No.22680 of 2018