

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.11332 of 2019  
and W.M.P.No.11663 of 2019

Annalakshmi

... Petitioner

-Vs-

- 1 The District Collector,  
Villupuram
  - 2 The Thasildar  
Ulundurpet.
  - 3 Karpagam  
W/o.Ganesan Serndanadu Main Road  
Senthamangalam Village Ulundurpet Taluk.
  - 4 N.Manjini Kounder  
S/o.Narayanasamy Perumal Koil Street  
Alankuppam Village Uzhavarkarai  
Puducherry State.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying for the issuance of a Writ of Mandamus directing the 2nd respondent not to mutate any revenue records including patta in patta No.375 in Survey Nos.45/1B - 0.61 ares (new No.45/1B1 - 0.30.50 ares) situate at Deviyanandal Village, Ulundurpet Taluk Villupuram District.

For Petitioner : Mr.N.Suresh

For Respondents: Mr.J.Purushothaman,  
Government Advocate - for RR 1 & 2

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O R D E R

This Writ Petition has been filed for issuance of writ of Mandamus, forbearing the second respondent not to mutate the revenue records with regard to the subject property.

2. The case of the petitioner is that the subject property is an ancestral property, in which all the legal heirs have a share. The petitioner along with her sisters, filed a suit in O.S.No.197 of 2012 before the Sub Court, Villupuram and later the suit was transferred to the file of

Sub Court, Ulundurpet and renumbered as O.S.No.21 of 2017. This suit came to be dismissed for default on 14.11.2018 and according to the petitioner, an application to restore the suit has been filed in I.A.No.321 of 2019 and this application is pending. In the mean time, the third and fourth respondents were attempting to deal with the property and effect change in the revenue records. The petitioner sent a legal notice to the second respondent calling upon him not to effect any mutation of revenue records. The apprehension of the petitioner is that inspite of the objection given by the petitioner, there is no response from the second respondent and the private respondents are taking effective steps to get the revenue records mutated. Left with no other alternative, the petitioner has filed the present writ petition seeking for the aforesaid prayer.

3. Heard the learned counsel for the petitioner and the learned counsel appearing for the first and second respondents.

4. Admittedly in this case, the suit was dismissed for default and an application has been filed by the petitioner along with the other plaintiffs, to restore the suit and the same is pending. The legal notice issued by the petitioner cannot be taken to be a representation and obviously the second respondent cannot act upon the same. Therefore, it will be more appropriate for the petitioner to make a representation to the second respondent so that the second respondent can consider the same in accordance with law and take a decision on the objections made by the petitioner.

5. Taking into consideration the facts and circumstances of the case, there shall be a direction to the petitioner to submit a representation to the second respondent. The second respondent, on receipt of the representation, shall deal with the same after issuing notice to the third and fourth respondents and all other interested parties and shall conduct an enquiry and take a decision in accordance with law within a period of eight weeks from the date of receipt of the representation from the petitioner. The petitioner at the time of giving representation, shall also send a copy of this order to the second respondent.

6. The writ petition is disposed of with the aforesaid directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

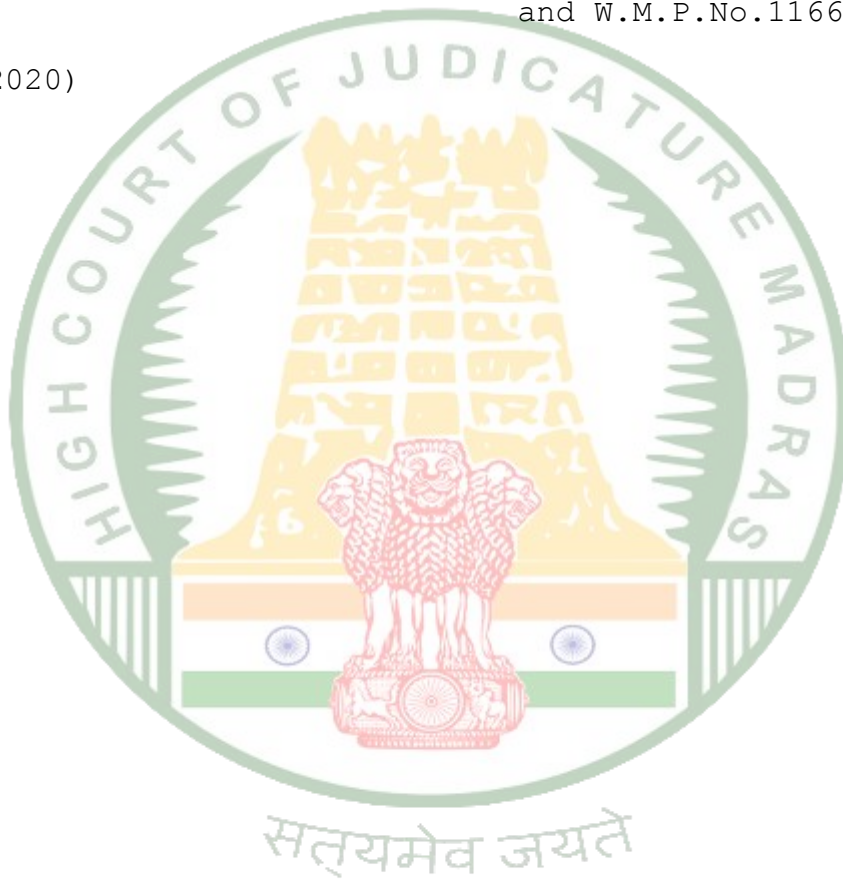
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To

1. The District Collector,  
Villupuram
2. The Thasildar  
Ulundurpet.

W.P.No.11332 of 2019  
and W.M.P.No.11663 of 2019

CP (CO)  
CB (14/10/2020)



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