



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)Nos.2939 & 2941 of 2020

and

W.M.P. (MD) Nos.2491 & 2492 of 2020

WEB COPY

Elizabeth Mathew ... Petitioner in W.P.(MD)No.2939 of 2020

Annamma Kurian ... Petitioner in W.P(MD)No.2941 of 2020
Vs.

1) The District Committee under
the Tamil Nadu Preservation of Private
Forest Act 1949,
Office of the District Collectorate,
Kanyakumari, Nagercoil.

2) The District Collector,
Kanyakumari District.

3) The Tahsildhar,
Velavengodu Taluk,
Kanyakumari District.

... Respondents in both
Writ Petitions

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to grant sanction to the petitioners' family to effect partition in Re.Survey No.75/1 admeasuring 61.95 Acres (50 percent of 123.90 Acres) of Kaliyal Village, Velavangodu Taluk, Kanyakumari District and consequently permit the petitioner family to alienate the said property.

In both cases:

For Petitioner : Mr.Veera Kathiravan,
Senior Counsel for M/s Veera Associates
For Respondents : Mrs.J.Padmavathi Devi,
Special Government Pleader

C O M M O N O R D E R

Since the issue involved in both the cases are one and the same, they are disposed of by this common order.

2. Mrs.J.Padmavathi Devi, learned Special Government Pleader takes notice on behalf of the respondents. By consent, these writ petitions are taken up for disposal at the admission stage itself.

3. The writ petitions have been filed by the petitioners praying for issuance of a Writ of Mandamus, directing the 1st respondent to grant sanction to the petitioners' family to effect



partition in Re.Survey No.75/1 admeasuring 61.95 Acres (50 percent of 123.90 Acres) of Kaliyal Village, Velavangodu Taluk, Kanyakumari District and consequently permit the petitioner family to alienate the said property.

4. The petitioners herein, are the wives of Late V.K.Mathews and Late V.K.Kurian, who are the sons of one Mr.Thomas Kurien. Mr.Thomas Kurien executed a Will dated 20.07.1952 bequeathing his properties to his children Late V.K.Mathews and Late V.K.Kurian. It is the case of the petitioner that the first respondent herein, is a statutory Committee under the Tamil Nadu Preservation of Private Forest Act, 1949 more fully under Section 3 of the said Act. For effecting partition of the properties among the brothers, for the purpose of separate enjoyment of the properties, an application was made to the respondents for grant of sanction for partition and the same is pending before the first respondent. Till date, the first respondent has not taken any action in this regard. Aggrieved over the same, the petitioners are before this Court with the present writ petitions.

5. In view of the above, without expressing any opinion on the merits of the claim made by the petitioners, the first respondent is directed to consider the representation of the petitioner and pass appropriate orders on the same, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

- 1)The District Committee under the Tamil Nadu Preservation of Private Forest Act 1949,Office of the District Collectorate,Kanyakumari, Nagercoil.
 - 2) The District Collector,Kanyakumari District.
 - 3) The Tahsildhar,Velavengodu Taluk,Kanyakumari District.
- +2 CC'S to M/s.VEERA ASSOCIATES, Advocate (SR-6685 & 6686)
+1CC TO SPL.GP., Sr.No.6760

Common Order made in

W.P(MD)Nos.2939 & 2941 of 202

Dated:17.02.2020

SMA/28/02/2020/2P/7C

<https://hcservices.ecourts.gov.in/hcservices/>