



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P.(MD)No.5467 of 2020

R.Anil Mehtha

... Petitioner

Vs.

1.The District Collector,
Collectorate Office,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.

3.The Tahsildar,
Sivakasi Taluk,
Sivakasi,
Virudhunagar District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the 2nd respondent to consider the petitioner's representation, dated 18.02.2020 and pass such further or other order as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.PR.Boomee Rajan

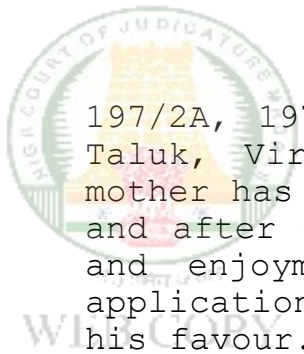
For Respondents : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

ORDER

This Writ Petition is filed to direct the second respondent to consider the petitioner's representation, dated 18.02.2020.

2.Heard Mr.PR.Boomee Rajan, learned counsel appearing for the petitioner, Mr.C.M.Marichelliah Prabhu, learned Additional Government Pleader appearing for the respondents.

3.According to the petitioner, originally the petitioner's mother was the owner of the land in Survey Nos.186/3A, 186/4A, 191/2, 191/3, 191/4, 191/1, 194/3, 195/1, 195/3, 196/1A, 196/2A,



197/2A, 197/3 and 197/1A, situated at Anaikuttam Village, Sivakasi Taluk, Virudhunagar District, in patta No.78. The petitioner's mother has executed a Will on 02.04.1998 in favour of the petitioner and after the death of his mother, the petitioner is in possession and enjoyment of the same. Therefore, the petitioner made an application along with all relevant documents to change the patta in his favour. Since no action has been taken, the petitioner has filed an appeal before the second respondent and the same is pending. In the mean time, the petitioner's representation dated 05.11.2019 has been rejected by the third respondent, without issuing any notice and without conducting proper enquiry. Subsequently, the petitioner has approached the first and second respondents and sent a representation on 18.02.2020. Since no order has been passed on the said representation, the present Writ Petition is filed.

4.Mr.C.M.Marichelliah Prabhu, learned Additional Government Pleader appearing for the respondents would submit that the petitioner has submitted an application, based on the unregistered will executed by the petitioner's mother and the said application is still pending before the first respondent. He would further submit that the second respondent, viz., the Revenue Divisional Officer is the competent authority to consider the grievance of the petitioner.

5.In view of the above, since the Revenue Divisional Officer is the competent authority, the first respondent shall forward the petitioner's representation, dated 11.11.2019 to the second respondent. On receipt of such application, the second respondent shall consider the said representation, dated 11.11.2019 and pass orders on merits and in accordance with law, after providing opportunity to the interested parties, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above directions, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

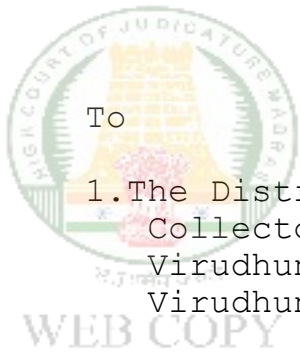
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Sub Assistant Registrar(CS)

vsd/Ns

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

1.The District Collector,
Collectorate Office,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.

3.The Tahsildar,
Sivakasi Taluk,
Sivakasi,
Virudhunagar District.

+1 CC to The SPL GP (SR-13965[F] dated 13/08/2020)

W.P. (MD) No.5467 of 2020
12.08.2020

CS (25.08.2020) 3P 5C