



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

W.P(MD)No.14872 of 2020

S.Atchaya

.. Petitioner

Vs.

1.The District Collector,
Theni, Theni District.

2.The Sub Collector,
Sub Collector Office,
Thamaraikulam,
Periyakulam,
Theni District.

3.The District Revenue Officer,
Theni District,
Theni.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to expedite proceedings in Na.Ka.No.2987/2020/A1 pending on the file of the second respondent within stipulated time frame fixed by this Court.

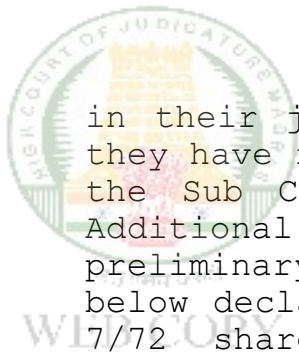
For Petitioner : Mr.R.Suriyanarayanan
For Respondents : Mr.M.Pandiya Rajan
Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a direction to the to direct the respondents 1 and 2 to expedite the proceedings in Na.Ka.No.2987/2020/A1 pending on the file of the second respondent within a stipulated time frame.

2. Mr.M.Pandiya Rajan, learned Additional Government Pleader takes notice for the respondents. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. The case of the petitioner is that the petitioner's mother Sorubarani and her maternal aunty, namely, Latha are having rights



in their joint family properties. When the said right was denied, they have filed a partition suit in O.S.No.12 of 2017 on the file of the Sub Court, Periyakulam and the same was transferred to the Additional Fast Track Court, Theni. In the above said suit, a preliminary decree was passed on 03.11.2018, in which the Court below declared that the petitioner's maternal aunty Latha is having 7/72 share in the subject matter of undivided joint family properties. Thereafter, the defendants in the said suit has filed an appeal before this Court in A.S.(MD).No.74 of 2019. During the pendency of the said proceedings, the defendants in the said suit have changed the Patta in their name. Hence, the petitioner's mother and maternal aunty Latha have preferred an appeal to the third respondent. The third respondent has passed order in the said appeal that the said Latha and Sorubarani are co-owners of the properties in question and hence he directed the revenue officials to restore the Patta as it is before passing the order of the Tahsildar. Thereafter, the aggrieved persons have filed an appeal before the Commissioner of Land Administration, Chepauk, Chennai and the same was dismissed on 10.05.2006 by confirming the order of the third respondent herein. In the meanwhile, the said Latha has executed a Will in favour of the petitioner. During the pendency of the appeal suit, the said Latha was died and hence the petitioner impleaded herself as legal heir of the said Latha based on the said Will. That being so, the respondents in the said appeal have transferred the Patta in favour of their family members by way of influence, which is against the order of the third respondent. Therefore, the petitioner has filed an application on 03.08.2020 to implement the order of the third respondent before the first respondent and the same was forwarded to the second respondent for further proceedings. The second respondent has initiated the application of the petitioner vide proceedings in Na.Ka.No.2987/2020/A1 on 25.08.2020, but thereafter there is no progress on his side. Though the petitioner made reminder to the second respondent on 06.10.2020, no action has been taken. In such circumstances, the petitioner has come forward with the present Writ Petition.

4. Learned counsel for the petitioner would submit that it would suffice, if the application of the petitioner dated 03.08.2020 is disposed of by the respondents at the earliest.

5. Learned Additional Government Pleader appearing for the respondents would submit that the second respondent is prepared to consider the application of the petitioner and to pass suitable orders on the same.

6. In view of the limited scope of the prayer sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the second respondent to consider the application dated 03.08.2020 submitted by the petitioner and to pass appropriate orders in accordance with law within a period of three months from the date of receipt of a copy of this order, if there is



no legal impediment to do so. It is needless to state that the persons, who are likely to be affected or persons, who are interested must also be heard.

7. With the above direction, this Writ Petition is disposed of.
No costs.

WEB COPY

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

PJL

To

- 1.The District Collector,
Theni, Theni District.
- 2.The Sub Collector,
Sub Collector Office,
Thamaraikulam,
Periyakulam,
Theni District.
- 3.The District Revenue Officer,
Theni District,
Theni.

+1 CC to the SPL GP (SR-21613[F] dated 09/11/2020)

W. P (MD) No.14872 of 2020
06.11.2020

ARK(CO)
CS(10.12.2020) 3P 5C