



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

W.P. (MD)No.18768 of 2020

WEB COPY

Alangaramary ... Petitioner

Vs.

1.The District Revenue Officer,
Sivagangai,
Sivagangai District.

2.Kasmir

3.Savarimuthu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to conclude the enquiry pending on his file in Na.Ka.No.A3/1298/2016 within a time frame stipulated by this Court.

For Petitioner : Mr.A.Srinivasan

For Respondent No.1 : Mr.M.Muniyasamy
Additional Government Pleader

ORDER

This writ petition is filed, seeking issuance of Writ of Mandamus directing the first respondent to conclude the enquiry pending on his file in Na.Ka.No.A3/1298/2016 within a time frame stipulated by this Court.

2. Heard the learned Counsel appearing for the petitioner and Mr.M.Muniyasamy, learned Additional Government Pleader, who took notice for the first respondent. Since no adverse order is going to be passed against the respondents 2 and 3, notice to them is dispensed with.

3. By consent of both parties, the Writ Petition is disposed of at the admission stage itself.

4. The case of the petitioner is that the properties in S.Nos.104/16 and 104/17 situated at Sooranam Village, Ilayangudi Taluk, Sivagangai District are originally the ancestral properties of the petitioner's husband. Thereafter the petitioner's father-in-



law acquired the same and the revenue documents were in the name of the petitioner's father-in-law, namely, Loorthu Arockiya Udaiyar and he had six children as legalheirs including the petitioner's husband. After his demise, the petitioner's husband and his brothers partitioned the properties among themselves. Through the said partition, the petitioner's husband got the properties in Survey Nos.104/16 and 104/17 as his share. Thereafter on 29.07.2014, the petitioner's husband died intestate. Thereafter, the petitioner made application to the Tahsildar on 13.04.2015 for not to issue assignment patta to any third party. In the meantime, the revenue officials changed the patta in S.Nos.104/16 and 104/17 in favour of the respondents 2 and 3. Hence, the petitioner and her daughter made petition before the first respondent to cancel the patta issued in favour of the respondents 2 and 3 in respect of the above said survey numbers. The first respondent also concluded the enquiry in Na.Ka.No.A3/1298/2016, but till today he has not passed any order. Therefore, the petitioner has come forward with this Writ Petition.

5. At this juncture, the learned counsel for the petitioner would submit that the matter is pending before the Revenue Divisional Officer, Sivagangai, but it is wrongly mentioned as the District Revenue Officer, Sivagangai.

6. Considering the facts and circumstances of the case, this Court directs the District Revenue Officer that if any files are available with him in this regard, the same could be forwarded to the Revenue Divisional Officer, Sivagangai, to take a decision in the matter. The Revenue Divisional Officer, Sivagangai shall take a decision within a period of 120 days from the date of receipt of a copy of this order, after affording an opportunity of hearing to the concerned parties. This Court makes it very clear that the Revenue Divisional Officer, Sivagangai shall not take a stand that since he is not a party to this writ petition, the direction of this Court will not bind him.

7. With the above direction, the writ petition stands disposed of. No costs. The Registry is directed to mark a copy of this order to the Revenue Divisional Officer, Sivagangai District to enable him to take a decision in the issue in question.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL



To

The District Revenue Officer,
Sivagangai,
Sivagangai District.

Copy to:

The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

+1 cc to Mr.A.SRINIVASAN ,Advocate, SR No.26308

+1cc to M/s.Special Government Pleader, SR No.26596

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18.12.2020

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