



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2020

CORAM:

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

W.P.(MD)No.956 of 2018

1.G.Chidambaram

2.G.Chandrasekaran

...Petitioners

Vs.

1.Government of TamilNadu

Rep by its

Secretary to Government,

Revenue Department,

Fort St.George,

Chennai - 9.

2.The District Collector,

Viruthunagar District,

Virudhunagar.

3.The District Revenue Officer,

Viruthunagar.

4.The Revenue Divisional Officer,

Sivakasi,

Viruthunagar District.

5.The Thasildar,

Sivakasi Taluk,

Sivakasi,

Viruthunagar 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 respondents to issue patta in respect of the land measuring 37 cents in survey No.7/2 of Anaiyur Village, Sivakasi Taluk, Viruthunagar District in favour of the father of the petitioners Mr.Ganesa Nadar in pursuant to the assignment made in his favour in and by the G.O.850 Revenue (F1) Department, dated 05.09.1995 enabling the legal heirs of the male legal heirs of Mr.Ganesa Nadar to enjoy the same as per the said registered Will executed by him and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Petitioners

: Mr.V.Kannan

For Respondents

: Mr.R.Sethuraman

Special Government Pleader



ORDER

This Writ Petition is filed to direct the respondents to issue patta in respect of the land measuring an extent of 37 cents in Survey No.7/2 of Anaiyur Village, Sivakasi Taluk, Viruthunagar District, in favour of the petitioners' father viz., Mr.Ganesa Nadar, in pursuant to the assignment made in his favour in and by the G.O.850 Revenue (F1) Department, dated 05.09.1995 enabling the male legal heirs of the said Ganesa Nadar, to enjoy the same as per the said registered Will executed by him.

2.Heard Mr.V.Kannan, learned counsel appearing for the petitioners and Mr.R.Sethuraman, learned Special Government Pleader appearing for the respondents.

3.According to the petitioner, the father of the petitioners viz., Ganesa Nadar was in possession and enjoyment of the poromboke land measuring an extent of 37 cents in Survey No.7/2 of Anaiyur Village along with his own lands. Originally, the said land was classified as Water Belt Poromboke, lies adjacent to the above said land in Survey No.4. The petitioners' father made a representation to the Revenue Authorities for assignment of the said land. Since the Revenue Authorities has not taken any steps, the said Ganesa Nadar has filed a writ petition before this Court in W.P.(MD). No.18638 of 1990. The said writ petition was disposed of, directing the Secretary to Government, Revenue Department and the District Revenue Officer, Virudhunagar to consider the petitioners' father's representation. Pursuant to which, the Secretary to Government, Revenue Department, passed an order in G.O.Ms.No.850 Revenue Department, dated 05.09.1995 ordering assignment of the said land on payment of four times of the market value of the said Government Order.

4.Aggrieved over the same, the petitioners' father has filed another writ petition in W.P.(MD).No.7726 of 1998. The said writ petition was disposed of, directing the respondents to consider the petitioners' father's representation. The earlier Government Order was confirmed. Pursuant to which, the petitioners' father has paid the said amount and there is no amount due. After paying the entire amount, the petitioners' father made several representations to the Tahsildar to issue patta in his favour. No action was taken by the Tahsildar, Sivakasi. Thereafter, the said Ganesa Nadar died on 16.09.2008 leaving his 7 sons including the petitioners herein and 5 daughters are the legal heirs. The said Ganesa Nadar has executed a will dated 22.03.2007 in respect of the said lands and he has nominated both the petitioners as executors in the said will. Therefore, the petitioners have made a representation dated 15.09.2017 to issue patta in respect of the said lands. Since no action has been taken, the petitioners are before this Court.

5.Mr.R.Sethuraman, learned Special Government Pleader appearing for the respondents would submit that the petitioners' application will be considered, by taking note of the objection made



by the respondents. But, on facts of the case is concerned, the petitioners made an application to change the patta in their favour, who are the legal heirs of the said Ganesa Nadar, based on the registered Will.

6.The learned counsel appearing for the petitioners submitted that the petitioners have not violated the conditions imposed by the respondent Department. This aspect has to be considered only by the respondent Department.

7.In the light of the submissions made on both sides, without expressing any opinion on the merits of the case, this Court is inclined to direct the fifth respondent to consider the petitioners' representation, dated 15.09.2007, on merits and in accordance with law, as expeditiously as possible, within a period of six months from the date of receipt of a copy of this order.

8.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

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 Secretary to Government,
Revenue Department,
Fort St.George, Chennai - 9.

2.The District Collector,
Viruthunagar District, Virudhunagar.

3.The District Revenue Officer, Viruthunagar.

4.The Revenue Divisional Officer,
Sivakasi, Viruthunagar District.

5.The Thasildar,
Sivakasi Taluk, Sivakasi, Viruthunagar District.

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