



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.07.2020

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.19733 of 2019

Vahitha Banu

...Petitioner

Vs

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Tiruppathur,
Sivagangai District.

4.P.K.Ananth

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos.1 to 3 to consider and dispose of the petitioner's representation dated 14.08.2019 as expeditiously as possible within the stipulated period as prescribed by this Court in accordance with law by cancel the Patta No.1071 and restore Patta No.1019 and made the necessary entry in the revenue records.

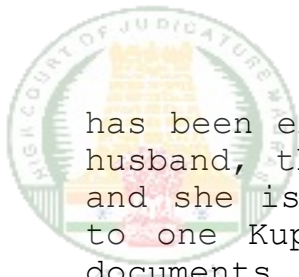
For Petitioner	: Mr.M.Pitchaimuthu
For R1 to R3	: Mr.v.Anand
	Government Advocate

ORDER

This Writ Petition is filed to direct the respondent Nos.1 to 3 to consider and dispose the petitioner's representation dated 14.08.2019 as expeditiously as possible within the stipulated period, as prescribed by this Court in accordance with law, to cancel the Patta No.1071 and restore Patta No.1019 and also make necessary entries in the revenue records.

2.Heard Mr.M.Pitchaimuthu, learned counsel appearing for the petitioner and Mr.V.Anand, learned Government Advocate appearing for the respondent Nos.1 to 3.

3.The case of the petitioner is that originally the petitioner's father-in-law was the owner of the property in Survey No.9/1C situated at Kundrakudi Village, Tiruppathur (Taluk), Sivagangai District. After the death of her father-in-law, sale deed



has been executed in favour of her husband. After the death of her husband, the above mentioned property was transferred into her name and she is enjoying the same. While so, the said property was sold to one Kuppuraj vide document No.2980/2013 by creating fabricated documents and based on which, the said Kuppuraj, has sold the same to the fourth respondent vide Document No.3021/2013. In this regard, the petitioner has given a complaint before the District Registrar, Karaikudi. Pursuant to which, enquiry was conducted and after completion of enquiry, the District Registrar, Karaikudi, has passed an order to cancel the said sale deeds. Thereafter, the petitioner approached the second and the third respondents to cancel the patta No.1071 and restore the same in her name. Since no action has been taken, the petitioner is before this Court.

4.The learned counsel appearing for the petitioner submitted that the petitioner has filed an appeal before the Revenue Divisional Officer, Devakottai. Pursuant to which, the Revenue Divisional Officer, by proceeding No.Moo.Mu.A1-6323-2013, dated 16.04.2015 has passed an order directing the Tahsildar Tiruppathur, to enquire the respondents and also verify the documents and based on the documents, the Tahsildar Tiruppathur, shall pass orders granting patta to the petitioner in respect of S.No.9/1C. After passing of the said order, the Tahsildar has not taken any action. Therefore, the petitioner has made a representation dated 14.08.2019 to the Tahsildar, Tiruppathur, Sivagangai District. Since no action has been taken, the petitioner prays for the aforesaid relief in this writ petition.

5.The learned Government Advocate appearing for the respondent Nos.1 to 3 would submit that the petitioner has made a representation to the authority only in the year 2019.

6.In the light of the aforesaid submissions, this Court, without expressing any opinion on merits, is inclined to direct the third respondent to consider the petitioner's representation dated 14.08.2019 and pass orders on merits and in accordance with law as expeditiously as possible, preferably within a period of twelve(12) weeks from the date of receipt of a copy of this order, after providing opportunity to the interested parties concerned.

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

Sd/-

Deputy Registrar (Accounts)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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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,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
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Sivagangai District.
- 3.The Tahsildar,
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VB (06.08.2020) 3P 4C