

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2021

CORAM

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.1926 of 2021 and  
W.M.P. No.2173 of 2021

1.N.Santhi  
2.P.Vasanth  
3.Pappathi

... Petitioners

Vs.

1.The District Collector  
Coimbatore Collectorate  
State Bank Road  
Coimbatore - 641 018

2.The Revenue Divisional Officer  
Coimbatore (South)

3.The Tahsildar  
Coimbatore (South)

4.Ayyasamy  
5.Chinnasamy  
6.Gandhinathan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the third respondent to expedite the enquiry in proceedings N.K.04819/2020/AA1 dated 23.11.2020, consequently direct the third respondent to pass appropriate orders on their representation dated 19.10.2020.

For Petitioner : Mr.C.Mohan

For Respondents : Mr.B.Anand, Govt. Advocate  
for R1 to R3  
M/s.Sarvabhauman Associates  
for R4 to R6

## O R D E R

This writ petition is for a direction to the third respondent to expedite the enquiry in proceedings N.K.04819/2020/AA1 dated 23.11.2020 and consequently for a direction to the third respondent to pass appropriate orders on the representation of the petitioners dated 19.10.2020.

2. The case of the petitioners is that the properties comprised in S. Nos.557/2, 40/1, 39/1, 557/2, 33/2, 14/1A having a total extent of 12 Acres 53 cents are owned by one Malle Gounder, great grandfather of petitioners 1 and 2. His son, Rangappa Gounder (father of third petitioner and grandfather of petitioners 1 and 2), executed a Will dated 12.3.1987 in favour of the respondents 4 to 6 herein and he died on 14.03.1987. The petitioners have doubt over the death of their grandfather and the Will executed by him.

3. It is the further submission of the petitioners that, since the respondents 4 to 6 have indulged in fraudulent alienations, they have submitted a representation dated 19.10.2020 to the respondents 1 to 3. The second respondent vide proceedings in No.N.K.3883/2020/A1 dated 23.11.2020 directed the third respondent to file a report on the representation of the petitioners. As such, the third respondent by his proceedings in N.K.04819/2020/AA1 dated 11.12.2020 issued summons to the petitioners and the respondents 4 to 6. The petitioners have appeared before the third respondent on 11.12.2020, but the respondents 4 to 6 did not appear. Thereafter, as the enquiry was in snail pace, taking advantage of pending enquiry, the respondents 4 to 6 are attempting to sell the entire property.

4. It is the further submission of the petitioners that as per Rule 13 of Tamil Nadu Maintenance and Welfare of Parents and Senior Citizen Rules, 2009, the 2nd respondent is the competent authority to deal with the representation sent by petitioner's mother, who is aged about 79 years. Hence this writ petition.

5. Heard both sides and perused the materials available on record.

6. Having regard to the nature of dispute, without expressing any opinion on the merits of the case, the respondents 2 and 3 are directed to expedite the enquiry in proceedings N.K.04819/2020/AA1 dated 23.11.2020 and pass appropriate orders on the representation of the petitioners dated 19.10.2020, within a period of six weeks from the date of receipt of a copy of this order. Though the time limit for completing the enquiry, as per statute is four weeks, considering COVID situation, six weeks time is given to the respondents to complete the enquiry and to pass orders.

7. With the above direction, the writ petition is disposed of. However, there is no order as to costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

Asr

To

1.The District Collector  
Coimbatore Collectorate  
State Bank Road  
Coimbatore - 641 018

2.The Revenue Divisional Officer  
Coimbatore (South)

3.The Tahsildar  
Coimbatore (South)

+1cc to Mr.C.Mohan Raj, Advocate SR.No.25838

+1cc to Government Pleader SR.No.26363

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RP (CO)  
GMY (04/05/2021)

सत्यमेव जयते

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