

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2021

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No. 10547 of 2021

B. Rajasekaran

...Petitioner

Vs

1. The District Collector,
O/o. the District Collector,
Kesavalu Nagar, V.O.C. Nagar,
Kallakurichi-606 202

2. The Sub-Collector,
O/o. the Sub Collector,
Kallakuruchi 606 202.

3. The Tahsildar,
O.o. the Tahsildar,
Salem main Passage,
Chinnasalem 606 201

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 16.02.2021 followed by a reminder dated 18.03.2021 and pass appropriate orders in the same, within a stipulated time.

For petitioner ... Mr. R.Gopinath

For respondents ... Mr. Annai Ezhil,
Govt. Advocate

Third Party ... Mr.S. Vinod

ORDER

This writ petition has been filed seeking a direction to the 3rd respondent to consider the petitioner's representation dated 16.02.2021 and pass appropriate orders.

2. According to the petitioner, the petitioner's father late Bommanan, has executed a Will, with regard to the properties in S.No.361/4A1 measuring an extent of 3935 1/2 sq.ft., in Ptta No.3726 in Chinnasalem Village and Taluk, and vacant plot comprised in Natham S.No.361/5M1, measuring an

extent of 3809 and S.No.361/5L, measuring an extent of 608 sq.ft., in patta No.3235, Chinnasalem Village in favour of the petitioner and his brother. Thereafter, he died on 09.08.2020. After his death, the Will came into force. Apart from that, the mother of the petitioner also executed settlement deeds dated 01.02.2021, registered as Doc.No.388 and 390 of 2021. Hence, the petitioner and his brother filed application before the 3rd respondent to grant patta in their favour. But, that the same has not been considered so far. Hence, the present writ petition has been filed.

3. Today when the matter is taken up for hearing Mr.S.Vinod, learned counsel appearing for the third party would submit that one Mahalakshmi, who is the first wife of the Bommanan, is also entitled for a share in the property. Without considering the same, the petitioner is seeking patta in his favour.

4. The learned Government Advocate, appearing for the respondents, on instructions, would submit that the matter is posted for enquiry and the petitioner may be directed to appear before the third respondent for enquiry.

5. Considering the fact that there is dispute with regard to the property, the third respondent is directed to issue notice to the petitioner as well as Mrs.Mahalakshmi, the alleged first wife of the Bommannan, thereafter, directed to proceed with the enquiry, complete the same and pass suitable orders after hearing the parties, on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mrp
To

1. The District Collector,
O/o. the District Collector,
Kesavalu Nagar, V.O.C. Nagar,
Kallakurichi-606 202

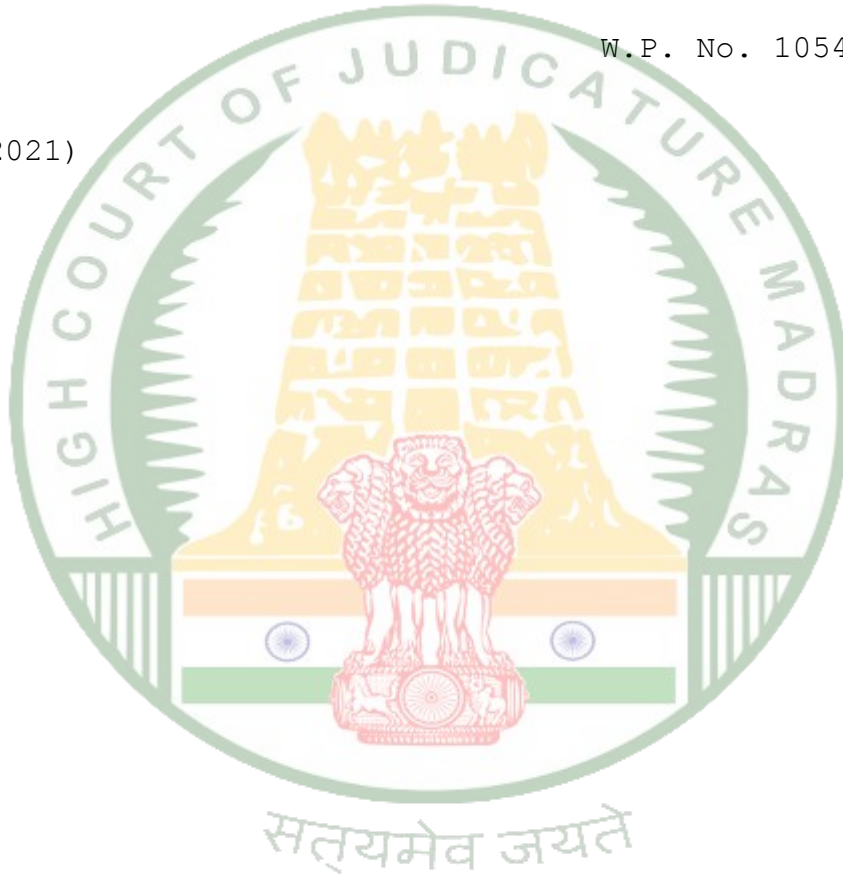
2. The Sub-Collector,
O/o. the Sub Collector,
Kallakuruchi 606 202.

3. The Tahsildar,
O.o. the Tahsildar,
Salem main Passage,
Chinnasalem 606 201

+3 CCS to Mr.S. Vinod, Advocate sr 25614
+1 CC to The Govt. Pleader sr 25694.

W.P. No. 10547 of 2021

SVI (CO)
SP(29/06/2021)



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