



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.17386 OF 2021

Rukmani

... Petitioner

Vs.

1. The District Collector,
Cuddalore District, Cuddalore.
2. The Sub Collector,
Cuddalore District, Cuddalore.
3. The Special Thasildhar,
Adidravida Welfare,
Cuddalore.
4. The Thasildhar,
Cuddalore.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to pass orders in the Appeal Petition filed and sent by the petitioner through post on 05.10.2019 against the orders passed by the 3rd respondent in Na.Ka.Aa/314/2018 dated 09.07.2018 in respect of the property of the petitioner in S.No.614/2 in Ward-5, Block-19 at Tirupapuliyur, Cuddalore.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.K.M.D.Muhilan
Government Advocate

ORDER

This Writ Petition has been filed to direct the 2nd respondent to pass orders in the Appeal Petition filed and sent by the petitioner through post on 05.10.2019 against the orders passed by the 3rd respondent in Na.Ka.Aa/314/2018 dated 09.07.2018 in respect of the property of the petitioner in S.No.614/2 in Ward-5, Block-19 at Tirupapuliyur, Cuddalore.



2. The case of the petitioner is that the property comprised in S.No.614/2 in Ward-5, Block-19 at Tirupapuliyur, Cuddalore, originally belonged to the petitioner's husband Sivamani and it is his ancestral property. The said Sivamani's grandfather Veerappan was in possession and enjoyment of the property and after his death the property came into possession of Gandhi, the father of Sivamani and thereafter it was inherited by Sivamani. As a matter of fact, the petitioner's husband Sivamani was in possession and enjoyment of the property in S.No.614/1 & 2 at Tirupapuliyur. The Sivamani had filed a suit in O.S.No.197 of 2014 on the file of the Learned Principal Subordinate Judge, Cuddalore, for declaration and injunction against private parties and against the respondents herein. The said suit after trial was decreed in favour of Sivamani on 22.04.2016. The property has been in possession and enjoyment of the petitioner's family for more than 100 years and hence they have perfected title to the same and the petitioner on the death of her husband became entitled for the same.

3. It is the further case of the petitioner that the petitioner applied for mutation of revenue records and to include her name in the revenue records so as to enable her to pay taxes to the government and also to establish her ownership over the property. The petitioner gave representation for including her name in the revenue records on 26.04.2018. The said representation was not considered by the authorities. Hence, she filed a Writ Petition before this Court in W.P.No.20653 of 2018. This Court by order dated 11.08.2018 directed the respondent to consider the petitioner's representation along with all the documents for issuance of patta and to pass orders within a period of eight weeks. Thereafter, the 3rd respondent passed an order in Na.Ka.Aa.314/2018 dated 09.07.2018 rejecting the request for issuance of patta in favour of subject matter of the Writ Petition. Even in the order dated 09.07.2018, the Special Thasildar has observed clearly that the petitioner has obtained judgments from the Civil Court relating to the property and the same was also perused by the Thasildar and found to be acceptable. In spite of the same, the Special Thasildar has rejected her request. Hence, she filed an appeal to the Sub Collector, Cuddalore District, against the order passed by the Special Thasildar on 05.10.2019 and also sent the same through registered post on 05.10.2019. The said appeal was received by the Sub Collector, but till this date no order has been passed. Hence, she filed this Writ Petition before this Court.

4. The Learned Government Advocate appearing for the respondents would submit that he has got no instructions in regard to this matter.



5. However, considering the averments made in the petition and without expressing anything on merits of the case, this Court is inclined to direct the 2nd respondent to consider the Appeal Petition sent by the petitioner through post on 05.10.2019 and pass appropriate orders within the time to be fixed by this Court.

6. Accordingly, this Writ Petition is disposed of with a direction to the 2nd respondent to consider the Appeal Petition filed and sent by the petitioner through post on 05.10.2019 and pass appropriate orders within a period of six months from the date of receipt of a copy of this order, after affording an opportunity to the petitioner to put forth their defence. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

raja

To

1. The District Collector, Cuddalore District, Cuddalore.
2. The Sub Collector, Cuddalore District, Cuddalore.
3. The Special Thasildhar, Adidravida Welfare, Cuddalore.
4. The Thasildhar, Cuddalore.

+1cc to Mr.N.Suresh, Advocate, S.R.No.47088
+1cc to the Government Pleader, S.R.No.47204

W.P.No.17386 of 2021

MG(CO)
PM/01/11/2021