



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 25.08.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.21064 OF 2019

(THROUGH VIDEO CONFERENCE)

S.Manikandan

...Petitioner

Vs

1) The District Collector,
Collectorate,
Namakkal District.

2) The Tahsildar,
Rasipuram Taluk Office,
Rasipuram Taluk,
Namakkal District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the first respondent herein to consider the petitioner representation dated 08.11.2018 and include the petitioner and his father's in all revenue records of the petitioner property bearing S.No.59/3, 60/1, 38/6B natham S.No.58/32, 58/178 admeasure 4.92 acres of agricultural and which is situated in Aathipalaganur village and Kattanasampatti Village, Rasipuram Taluk, Namakkal District belongs to the petitioner, Salem.

For Petitioner : Mr.A.Rajkumar

For Respondent : Mr.Yogesh Kannadasan,
Government Advocate

O R D E R

This Writ Petition has been filed seeking for a Writ of Mandamus to direct the first respondent herein to consider the petitioner's representation, dated 08.11.2018 for the inclusion of the names of the petitioner and his father in all revenue records of the petitioner's grandfather's property bearing S.No.59/3, 60/1, 38/6B natham S.No.58/32, 58/178 to an extent of 4.92 acres of agricultural land, which is situated in Aathipalaganur village, Kattanasampatti Village, Rasipuram Taluk, Namakkal District.



2. The learned counsel for the petitioner submits that the property in all the above said survey numbers belong to his grandfather one Aathiappam, son of Kanthasamy, who had purchased the same in the year 1980, by way of a registered sale deed, bearing Document No.1556 of 1980. From the date of purchase, the petitioner's grandfather was in possession of the said property. The property stands in the name of his grandfather in all the revenue records and in the year 1997, the petitioner's grandfather died, without executing any document.

3. The petitioner further submits that his grandfather was his mother's father and after the death of his grandfather, the petitioner's mother was in possession and enjoyment of the same. The patta Nos.10, 23 & 16 stand in the name of the petitioner's grandfather. In the year 1986, the petitioner's mother died and it was also found that the names of the petitioner and his father were not included under "Powthu Varisu" scheme. Hence, the petitioner gave a representation dated 08.11.2018. But so far, the respondents have not considered the request of the petitioner. Aggrieved by the same, the petitioner has approached this Court by way of filing this Writ Petition.

4. On going through the averments made in the affidavit, it is seen that the petitioner has not produced any records to show that the said grandfather Aathiappam, son of Kanthasamy had no other legal heir surviving and as contended by the petitioner, that his mother alone was the legal heir, this Court is of the view that if there is any proof to show that the petitioner's mother was the only legal heir, then the names of the petitioner and his father, namely S.Manikandan and Selvam, who are the legal heirs of the petitioner's mother, is to be considered for inclusion in all the revenue records. Therefore, the petitioner is directed to produce the required documents supporting the above facts before the Authorities concerned and after filing of the same, the respondent Authorities to consider the same and pass appropriate orders on merits and in accordance with law within a period of four(04) months from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition stands Disposed of. No costs.

Sd/-
Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

sts



To:

- 1) The District Collector,
Collectorate,
Namakkal District.
- 2) The Tahsildar,
Rasipuram Taluk Office,
Rasipuram Taluk,
Namakkal District.

+1cc to the Government Pleader, S.R.No.43395

W.P.No.21064 of 2019

PCH(CO)
RLP(26/10/2021)