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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.19998 of 2021

V.Pichaikaran

... Petitioner

Vs.

1. The District Collector,
Kallakirichi District,
Kallakurichi.
2. The District Revenue Officer,
Kallakirichi District,
Kallakurichi..
3. The Revenue Divisional Officer,
Tirukoilur Taluk,
Villupuram District,
4. The Tahsildar,
Sankarapuram Taluk,
Kallakurichi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 4th respondent to consider the petitioner's application dated 18.06.2021 and reminder letter on 31.07.2021 within time frame.

For Petitioner : Mr.H.Rajesh

For Respondent : Mr.Yogesh Kannadasan
Government Advocate

ORDER

This writ petition has been filed for a Mandamus, to direct the fourth respondent to consider the petitioner's application dated 18.06.2021 and reminder letter on 31.07.2021 within a time frame.

2.The case of the petitioner is that he and his family are residing at No.100, Old Colony, Vanapuram Village, K.Ariyur Post, Sankarapuram Taluk, Kallakurichi District - 605 801 and his grandfather viz., Veerasamy received a condition patta from the Government in S.No.127/3 measuring to an extent of 0.89 cent and S.No.127/b measuring to an extent of 0.47 cent.



3.The petitioner submits that after the demise of his grandfather, his legal heirs viz., Ammasi, Muniyan and Marimuthu were enjoying the properties without any hindrance and in the meanwhile one Muthusamy Udayar filed a suit against the legal heirs of Veerasamy before the Additional District Munsif Court, Kallakurichi in O.S.No.762 of 1990 and the same was dismissed on 31.10.1994 as against the above said suit, an appeal was filed in A.S.No.243 of 1996 before the learned Civil Judge Senior Division, Kallkurichi, the same was allowed by setting aside the order in O.S.No.762 of 1990.

4.The petitioner further submits that aggrieved by the order, his family filed a Second Appeal before this Court in S.A.No.1241 of 1998 and the same was allowed by setting aside the order passed by the Civil Judge Senior Division, Kallakurichi and confirmed the order of the Additional District Munsif, Kallakurichi on 31.10.1994.

5.According to the petitioner, after the judgement and decree passed in the above Second Appeal, his family members jointly given their shares to him by way of a registered Settlement Deed dated 24.08.2020 vide Document No.3437/2020 before the Sub Registrar, Sankarapuram. After the settlement, he paid necessary fees for transferring the patta into his name, in spite of lapse of several months, the fourth respondent did not take any steps to pass appropriate orders in petitioner's favour.

6.The petitioner submits that he once again applied on 18.06.2021 through on-line mode along with all relevant documents seeking for separate patta in his favour, in spite of the same, no action was taken by the fourth respondent and therefore, he again sent a reminder letter to the fourth respondent through registered post with acknowledgment and a copy to the respondents 1 to 3, the same was also kept pending.

7.In support of petitioner's contention, he relied upon the Government Order (Ms.)No.99 Dated on 21.09.2015 issued by the Personnel and Administrative Reforms (A) Department, the relevant paragraph of the aforesaid GO is extracted hereunder:

"Grievance itself should be redressed within a maximum period of ONE MONTH of its receipt and it should be with a speaking order in the event of a redressal or rejection if found necessary."

But the fourth respondent has not conducted enquiry and not passed any order as on date and in spite of sending all the documents, there is no response from the fourth respondent.

8.The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.



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9. The learned counsel appearing for the petitioner submits that the petitioner will be satisfied if a direction is issued to the fourth respondent to consider the petitioner's application dated 18.06.2021 and reminder letter on 31.07.2021 within a time frame.

10. Heard, learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the materials available on record.

11. In view of the above and the submission made by the petitioner and without expressing anything on merits, this Court is of the view that the respondents shall consider the petitioner's application dated 18.06.2021 as well as reminder letter on 31.07.2021 and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gba/pam
To

1. The District Collector,
Kallakirichi District,
Kallakurichi.
2. The District Revenue Officer,
Kallakirichi District,
Kallakurichi.
3. The Revenue Divisional Officer,
Tirukoilur Taluk,
Villupuram District,
4. The Tahsildar,
Sankarapuram Taluk,
Kallakurichi District.

+1 cc to Mr.H.Rajesh, Advocate Sr.NO. 47724
+1 cc to Government Pleader Sr.NO. 48596

W.P.No.19998 of 2021

KG(CO)
A.SK(27.10.2021)