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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.22761 of 2021
and
W.M.P.No.23986 of 2021

Karupaayee

...Petitioner

Versus

- 1.The District Collector,
Namakkal District, Namakkal - 637 003.
- 2.The District Revenue Officer,
Collectorate of Namakkal,
Namakkal District, Namakkal - 637 003.
- 3.The Revenue Divisional Officer,
Tiruchengode Revenue Division,
Tiruchengode, Namakkal District - 637 211.
- 4.The Tahsildar,
Tiruchengode Taluk, Namakkal District - 637 211.
- 5.The Revenue Inspector,
Molasi Firka, Molasi Post,
Tiruchengode Taluk, Namakkal District - 637 210.
- 6.The Village Administrator,
Molasi Village, Molasi Post,
Tiruchengode Taluk,
Namakkal District - 637 210.
- 7.The Sub-Registrar,
Tiruchengode Sub-Registrar Office,
Tiruchengode,
Namakkal District - 637 211.
8. Lakshmi
9. Palaniyappan



10. Arulmurugan

11. Sumathi

12. Kannupaiyan @ Illaiyappan

13. S. Jijenderan

...Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 7th respondent herein not to register the document submitted by the 13th respondent in P29/2021 including the petitioner's 1/8th share comprised in Survey Nos.185/1 measuring to an extent of 4.54.0 Hec and 185/3 measuring to an extent of 0.25.0 Hec totalling 4.79 Hec, i.e., 11.83 acres situated at Molasi Village, Tiruchengode Taluk, Namakkal District, till the disposal of petitioner's petition/representation dated 25.06.2021 pending before the 2nd respondent.

For Petitioner : Mr. T.L.Thirumalaisamy

For RR 1 to 7 : Mr. Yogesh Kannadasan,
Government Advocate

ORDER

This writ petition has been filed seeking for a direction to the 7th respondent herein not to register the document submitted by the 13th respondent in P29/2021 including the petitioner's 1/8th share comprised in Survey Nos.185/1 measuring to an extent of 4.54.0 Hec and 185/3 measuring to an extent of 0.25.0 Hec totalling 4.79 Hec, i.e., 11.83 acres situated at Molasi Village, Tiruchengode Taluk, Namakkal District, till the disposal of petitioner's petition/representation dated 25.06.2021 pending before the 2nd respondent.

2. The case of the petitioner is that the properties comprised in Survey Nos.185/1 and 185/3 were originally belongs to one Palani Gounder and his wife Mrs. Marayee along with Rangasamy and Nalla Gounder. However, the said Palani Gounder and his wife Marayee had 1/4 share in the entire property, they are in peaceful possession and enjoyment of the property. Following the same, the petitioner is entitled for 1/8th in total extent of properties. Thereafter, the petitioner came to



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understand that the respondents 8 to 12 were trying to alienate the whole property in favour of the 13th respondent including her 1/8th share. In this regard, the petitioner made a representation dated 29.12.2020 to the 4th respondent to include her name in the said Patta. Again, she has also sent another representation dated 17.02.2021 as there was no response to her first representation. But, there was no action taken by the 4th respondent. Hence, she filed a petition on 25.06.2021 before the 2nd respondent to include her name in the patta and the same is pending for consideration. Thereafter, the petitioner has also sent a notice to the respondents on 05.07.2021 informing the 13th respondent about her share in the said property and also requested the 7th respondent not to register the document in favour of the 13th respondent with respect to her share in the said property and also requested the Revenue Officials not to issue or mutate any Revenue Records in the name of any other persons with respect to her share in the said property. After receiving the same, the 7th respondent sent a notice dated 27.08.2021 calling upon the petitioner to appear before him along with relevant document on or before 07.09.2021 failing which, the document submitted by the 13th respondent which is pending registration department in P29/2021 will be registered. Hence, the petitioner appeared through her advocate on 07.09.2021 and filed necessary documents to establish her right and requested not to register the document submitted by the 13th respondent and also informed about the pendency of the petition dated 25.06.2021 before the 2nd respondent. However, the respondents 8 to 12 are taking coercive steps to dispose the entire property including petitioner's share in favour of the 13th respondent by taking advantage of pendency of her petition dated 25.06.2021. Hence, the petitioner has come forward with the present writ petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the ***2nd** respondent to consider the petitioner's representation dated ***25.06.2021** and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the ***2nd** respondent to consider the petitioner's representation dated 25.06.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner within a period of sixteen weeks from the date of receipt of a copy of



this order. Consequently, connected Miscellaneous Petition is also closed. No costs.

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s/d-
Assistant Registrar
(13.12.2021)

***Corrected as per order of
this Court dated 24.02.2022
made in WP.No.22761 of 2021**

**s/d-
Assistant Registrar (CS VII)
(09.03.2022)**

//True Copy//

Sub-Assistant Registrar

sp/msm
To

- 1.The District Collector,
Namakkal District,
Namakkal - 637 003.
- 2.The District Revenue Officer,
Collectorate of Namakkal,
Namakkal District,
Namakkal - 637 003.
- 3.The Revenue Divisional Officer,
Tiruchengode Revenue Division,
Tiruchengode,
Namakkal District - 637 211.
- 4.The Tahsildar,
Tiruchengode Taluk,
Namakkal District - 637 211.
- 5.The Revenue Inspector,
Molasi Firka, Molasi Post,
Tiruchengode Taluk,
Namakkal District - 637 210.
- 6.The Village Administrator,
Molasi Village, Molasi Post,
Tiruchengode Taluk,
Namakkal District - 637 210.

***To be substituted the order
already despatched on
12.01.2022**



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7. The Sub-Registrar,
Tiruchengode Sub-Registrar Office,
Tiruchengode,
Namakkal District - 637 211

+1 CC to Mr.T.L. Thirumalaisamy, Advocate sr 54731
+1 CC to the Government Pleader sr 55879

W.P.No.22761 of 2021
and
W.M.P.No.23986 of 2021

VGII (CO)
SP(13/12/2021)
PM/10/03/2022