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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.21081 of 2019

P.Selvam

... Petitioner

Vs.

1.The District Revenue Officer,
O/o.Kancheepuram Collectorate Office,
Kancheepuram District.

2.The Revenue Divisional Officer,
Chengalpattu Taluk,
Kancheepuram District.

3.The Tahsildar,
Thiruporur Taluk,
Kancheepuram District.

4.P.Munusamy

5.G.Rani

(R4, R5 impleaded vide order dt.23.08.2021 made in
WMP.No.20916/2019 in W.P.No.21081/2019) ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus to direct the 3rd respondent to pass orders on the representation dated 27.03.2019.

For Petitioner : Mr.S.Lingesh

For Respondents : Mr.K.M.D.Muhilan for R1 to R3
Government Advocate

ORDER

This writ petition has been filed for a mandamus to direct the third respondent to pass orders on the representation dated 27.03.2019.

2.The case of the petitioner is that he is one of the legal heir of late Perumal Naidu. S.Nos.116/13A, 116/13C, 116/13E, 124/5, 124/6B, 73/10B, 73/8A, 73/9A, 74/10, 74/14A, 74/15D, 74/9A and 77/5 situated at Pudupakkam Village, Thiruporur Taluk, Kancheepuram District were petitioner's ancestral properties and the said property stands in the name of his father Perumal Naidu and his father died in the year



1968 leaving behind his wife Tmt. Lakshmi Ammal and his children viz., Munusamy, Durairaj, Rani, Selvam and Pappathi out of 5 children 2 legal heirs Durairaj died as a bachelor and Selvi Pappathi died as a spinster.

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3.The petitioner submits that his mother Tmt.Lakshmi Ammal died in the year 1983. According to the petitioner, he, Munusamy and Rani are the only surviving legal heirs of their deceased parents.

4.The petitioner further submits that after his demise of his parents, he obtained death certificates and legal heir certificates from the authority wherein his name is also one of the legal heirs and based on the same, they are jointly enjoying the property.

5.The petitioner submits that for the above survey numbers patta was issued only in the name of his brother Munusamy. According to the petitioner, it is not correct, he obtained appropriate revenue records from the collectorate to establish the fact that the above survey numbers were originally owned by his father late Perumal Naidu, and the said Munusamy fraudulently obtained patta No.720 in his favour by suppressing other legal heirs of late Perumal Naidu and hence, the said patta No.720 in favour of Munusamy is liable to be cancelled and fresh joint patta to be issued in the names of the petitioner, Munusamy and Rani are the legal heirs of late Perumal Naidu.

6.The petitioner further submits that as per legal heirs certificate issued by the authority, he, Munusamy and Rani are the legal heirs of late Perumal Naidu and the above survey numbers are ancestral properties and they are jointly in possession and enjoyment of the same in the said properties.

7.The petitioner submits that based on his representation, the first and second respondents issued directions to the third respondent to consider his representation dated 27.03.2019 by conducting enquiry and pass orders by letter dated 12.05.2019 and 23.04.2019 respectively, the said enquiry has not been completed and no opportunity of personal hearing has been granted to the petitioner till date.

8.Heard the learned counsel for the petitioner, the learned Government Advocate for the respondents 1 to 3 and perused the materials available on record.

9.On going through the averments in this petition, it is seen that the notice has been issued to the petitioner on 12.05.2019 and the authorities have not passed any order on the said representation. As per the directions of this Court, the petitioner impleaded Munusamy and Rani as party



respondents in this writ petition on 23.08.2021 and this Writ Petition is of the year 2019.

10. In view of the above facts and circumstances of the case and the submission made by the petitioner, this Court is of the view that the official respondents shall consider the representation of the petitioner dated 27.03.2019 and pass appropriate orders in accordance with law, after affording an opportunities of personal hearing to all the parties concerned with regard to the said dispute, within a period of six months from the date of receipt of a copy of this order. No costs.

11. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Asst. Registrar

//True Copy//

Sub Asst. Registrar

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To

1. The District Revenue Officer,
O/o. Kancheepuram Collectorate Office,
Kancheepuram District.
2. The Revenue Divisional Officer,
Chengalpattu Taluk,
Kancheepuram District.
3. The Tahsildar,
Thiruporur Taluk,
Kancheepuram District.

+1 C.C. to M/S. LINGESH, ADVOCATE, SR.NO.44758/2021

+1 C.C. to GOVERNMENT PLEADER SR.NO.45507/2021

W.P.No.21081 of 2019

PMK (CO)
RA 22/10/2021