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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.06.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.22535 of 2017

N.Narayana Reddy

... Petitioner

Vs.

1.The Sub Collector,
Sub Collector Office,
Hosur.

2.The Tahsildar,
Denkanikottai Taluk,
Krishnagiri District.

3.The Village Administrative Officer,
S.Mudhuganapalli Village,
Hosur Taluk,
Krishnagiri District.

4.Appanna Reddy
5.Venkatarama Reddy
6.Rukmani
7.Rathnamma
8.Sujatha

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent to consider the representation dated 08.02.2017.

For Petitioner : Mr.R.Jayaprakash

For Respondents 1 to 3 : Mr.Richardson Wilson
Counsel for Government

For Respondents 4 to 8 : No appearance

ORDER

The prayer sought for herein is for a writ of mandamus directing the first respondent to consider the representation of the petitioner dated 08.02.2017.



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2. In respect of property at Survey Nos. 805, 806, 807, 813, 814, 824 and 826 at S. Mudhuganapalli Village, Hosur Taluk, Krishnagiri District measuring about 39 acres it is claimed to be the family property of the petitioner and private respondents.

3. In this context, it is the claim of the petitioner that, civil suit had already been filed for partition and in this regard, the matter has gone to the second appeal stage, where, Second Appeal Nos. 186 of 2012 and 215 of 2013 also filed by the parties said to have been pending before this Court.

4. In the meanwhile, it is the grievance of the petitioner that, the Revenue Authorities i.e. the Tahsildar concerned, without taking into account the nature of the property which is a joint family property, where, the partition has not been effected, seems to have issued patta in favour of the private respondents and therefore, on coming to know the said patta issued in favour of the private respondents, the petitioner had given a representation on 08.02.2017 to the first respondent to cancel the said patta issued in favour of the private respondents and since the said representation has not been considered so far, the petitioner has approached this Court by filing the present writ petition with the aforesaid prayer.

5. Heard Mr. R. Jayaprakash, learned counsel appearing for the petitioner, who, having reiterated the aforesaid facts, would seek indulgence of this Court to issue a direction to the respondents, especially, the first respondent to decide the representation of the petitioner dated 08.02.2017 on merits within a time frame.

6. Heard Mr. Richardson Wilson, learned counsel for Government appearing for the official respondents, who would submit that, if at all the property is a joint family property in respect of which not only the private respondents but also the petitioner is having interest and in this regard, if any civil suit had been filed or is pending, taking into account of all those aspects and after hearing all the parties including the petitioner and the private respondents herein as well as any other interested parties, a decision would be taken on the representation of the petitioner dated 08.02.2017 on merits and in accordance with law within a time frame that may be stipulated by this Court.

7. In view of the said stand taken by the learned counsel for Government appearing for the official respondents, where, the representation of the petitioner dated 08.02.2017 would be considered and decided on merits, of course after affording an opportunity to all the parties including the petitioner and



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private respondents herein, this Court is inclined to dispose of this writ petition with the following direction:

That there shall be a direction to the first respondent to consider the representation of the petitioner dated 08.02.2017 by affording an opportunity to both petitioner as well as the private respondents and any other parties who are having interest over the property in question and after exercising the same, the representation shall be decided and final order shall be passed by the first respondent and the same shall be communicated to the parties concerned. The needful, as indicated above, shall be undertaken by the first respondent within a period of twelve weeks from the date of receipt of a copy of this order.

8. With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs.

-s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

Sgl
To

1. The Sub Collector,
Sub Collector Office, Hosur.

2. The Tahsildar,
Denkanikottai Taluk,
Krishnagiri District.

3. The Village Administrative Officer,
S. Mudhuganapalli Village,
Hosur Taluk, Krishnagiri District.

+1 CC to The Government Pleader sr 27957

+1 CC to Mr. R. Jayaprakash, Advocate sr 27906.

W.P.No.22535 of 2017

LS (CO)
SP (20/07/2021)