



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No. 34161 of 2017

M.Kumari

...Petitioner

-vs-

1. The District Collector,
Villupuram District,
Villupuram.

2. The Revenue Divisional Officer /
Deputy Collector,
Tindivanam,
Villupuram District.

3. The Tahsildar,
Tindivanam Taluk,
Tindivanam,
Villupuram District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to cancel the patta in respect of the property comprised in Survey Nos.269/12 situated at Gidangal Village, Tindivanam Taluk, Villupuram District to an extent of 936 sq.ft out of the 6.0 cents of total extent of the land and to include the name of the petitioner as Pattadhar based on the report of the third respondent dated 01.08.2013 in the proceedings AA23184/2013 and the representation of the petitioner dated 01.12.2017 within a stipulated time.

For Petitioner : Mr.Kasirajan
for Mr.C.Prabakaran

For Respondents : Ms.Akila Rajendran
Counsel for Government

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondents to cancel the patta in respect of the property comprised in Survey No.269/12 situated at Gidangal



Village, Tindivanam Taluk, Villupuram District to an extent of 936 sq.ft out of the 6.0 cents of total extent of the land and to include the name of the petitioner as Pattadhar based on the report of the third respondent dated 01.08.2013 in the proceedings AA23184/2013 and the representation of the petitioner dated 01.12.2017 within a stipulated time.

2. The case of the petitioner is that, the land at Grama Natham Survey No.269/12 to the extent of 6 cents was in occupation and enjoyment of the petitioner's mother one Yasodaiammal. After some years, on her request, by proceedings dated 06.10.1964, the Revenue Authorities had given patta in favour of the mother of the petitioner. The mother of the petitioner died leaving behind the legal heirs, i.e., her husband, four daughters and one son.

3. The land assignment in the year 1964 in favour of the mother of the petitioner was a conditional assignment and in violation of such conditions, the land in question shall not be encumbered with any third parties. Despite the said condition imposed by the Revenue Authorities, the father of the petitioner and some of the legal heirs joined together and sold the property in favour of some third parties, without taking the consent of the petitioner also.

4. In this context, it is the grievance of the petitioner that, first of all, the land in question ought not to have been encumbered with any third parties as the same would be in violation of the conditions imposed by the Revenue Authorities. Secondly, insofar as the petitioner's share is concerned, which, according to her, is 936 sq.ft., the same could never be exploited by any of the other legal heirs, i.e., brother and sisters as well as the father of the petitioner and therefore, in this regard, in order to cancel the patta issued in favour of any third parties pursuant to the alleged sale made by the other legal heirs of the petitioner's mother and to issue patta in favour of the petitioner, atleast in respect of 936 sq.ft, for which, the petitioner is entitled to as one of the legal heir of the deceased mother, the petitioner had given a representation to the respondents on 01.12.2017.

5. Though in this regard, a report had been submitted on 01.08.2013 by the Tahsildar concerned, no further action has been taken and therefore, the petitioner having given the said representation to the respondents Revenue Authorities, from where also nothing was forthcoming in pursuant to the said representation and having waited for some time, the petitioner having no other option, filed this Writ Petition before this Court with the aforesaid prayer.

6. Heard the learned counsel appearing for the petitioner, who, after having reiterated the aforesaid factual aspects seeks indulgence of this Court to give a suitable direction to the



respondents especially the second and third respondents to pass orders on the said representation of the petitioner dated 01.12.2017 on merits and in accordance with law within a time frame that may be stipulated by this Court.

7. Heard the learned counsel for the Government appearing for the respondents, who would submit that, if at all, enquiry is already conducted pursuant to the representation given by the petitioner dated 01.12.2017, based on such enquiry and the enquiry report in this regard if any submitted otherwise after giving an opportunity to all parties concerned including the Pattadhar, the second and third respondents would decide the issue and would dispose of the representation of the petitioner dated 01.12.2017 within a time frame that may be stipulated by this Court.

8. I have considered the submissions made by the learned counsel appearing for the parties and by taking into account of the aforesaid factual matrix and also the innocuous nature of the prayer sought for in this Writ Petition, this Court is inclined to dispose of this Writ Petition with the following orders:

"That there shall be a direction to the second and third respondents to consider the representation of the petitioner dated 01.12.2017 and pass orders thereon on merits and in accordance with law, after giving an opportunity of being heard to all parties concerned including the Pattadhar if not have already been given such opportunity and pass orders accordingly on merits within a period of twelve weeks from the date of receipt of a copy of this order."

9. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vji

To

1. The District Collector,
Villupuram District,
Villupuram.



2. The Revenue Divisional Officer /
Deputy Collector,
Tindivanam,
Villupuram District.

3. The Tahsildar,
Tindivanam Taluk,
Tindivanam,
Villupuram District.

+lcc to Mr.C.Prabakaran, Advocate, S.R.No.27911
+lcc to the Government Pleader, S.R.No.28238

W.P. No. 34161 of 2017

LN(CO)
RGA(30/07/2021)