

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.15688 of 2017
and W.M.P.No.16982 of 2017

G.Selvi

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Petitioner

-Vs-

- 1 The District Collector
Thiruvannamalai District, Tiruvannamalai
- 2 The Tahsildar, Thandarampattu Taluk Office
Thandarampattu, Tiruvannamalai District
- 3 The Village Administrative Officer
Thiruvadathanur Village, Chengam Taluk
Tiruvannamalai District 606 708
- 4 The Sub Registrar, Thandarampattu Sub Registrar Office
Thandarampattu Taluk, Tiruvannamalai District
- 5 L.Ganesan
- 6 Valli

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Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Respondents to consider the petitioners representation dated 31.03.2017 i.e to cancel the Patta issued in the name of the Respondents 5 & 6 by the Respondents 1 & 2 and to re-issue Patta in the Petitioners name and her two daughters viz. (1) Archana and (2) Kalpana.

For Petitioner : Mr.S.Ambigapathi

For Respondent : Mr.N.Inbanathan,
Additional Government Pleader - for RR 1-3

Mr.P.Purushothaman,
Government Advocate - for R4

Mrs.V.Suguna - for RR 5 and 6

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the Respondents to consider the petitioners representation dated 31.03.2017 i.e to cancel the Patta issued in the name of the Respondents 5 & 6 by the Respondents 1 & 2 and to re-issue Patta in the Petitioners name and her two daughters viz. (1) Archana and (2) Kalpana.

2. It is the case of the petitioner that, the petitioner and the fifth respondent are wife and husband, as they got married on 07.12.1994. For the said couple, under the Scheme envisaged by the State Government for landless poor, a land to the extent of 0.30.5 Ares at Survey No.47/8, Thiruvadathanur Village, Tiruvannamalai District was assigned by the Revenue authorities. Since then, the petitioner and her husband have been in possession and enjoyment of the same.

3. While so, there has been some misunderstanding between the petitioner and her husband ie., the fifth respondent. Therefore, it seems that, they got separated and living separately.

4. Taking advantage of the said situation, the fifth respondent was trying to sell the property ie., the land assigned to the petitioner and the fifth respondent, despite the fact that, there is a block period of thirty years prohibiting the sale.

5. In this regard, even though objection has been raised by the petitioner at the Registration Office as well as the Revenue Authorities, the Registering Authorities has registered the sale executed by the fifth respondent to and in favour of the sixth respondent on 21.12.2016 and pursuant to which, the the second respondent, Tahsildar also had issued patta in the name of the sixth respondent for the land in question. Therefore, in order to cancel the said patta, the petitioner has given a representation to the second respondent on 31.03.2017. However, since the same has not been considered and no decision has been taken by the second respondent, the petitioner has approached this Court by filing the present writ petition with the aforesaid prayer.

6. Heard Mr.S.Ambigapathi, learned counsel appearing for the petitioner, who having reiterated the aforesaid facts, would seek the indulgence of this Court for suitable direction to the second respondent to decide the representation of the petitioner on merits within a time frame.

7. Heard Mr.N.Inbanathan, learned Additional Government Pleader, appearing for the official respondents / respondents 1 to 3, who would submit that, if such representation was given by the petitioner on 31.03.2017, the same would be decided by the second respondent on merits and in accordance with law, of course, after hearing both the petitioner as well as the fifth and sixth respondents, and pass orders within a stipulated time.

8. I have considered the submissions made by the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and have perused the materials placed on record.

9. Since the petitioner's representation to cancel the patta dated 31.03.2017 was submitted and kept pending till date at the second respondent office, a direction can be given to the second respondent to decide the same on merits and in accordance with law, after affording an opportunity of being heard to both the parties, within a time frame.

10. In that view of the matter, this Court is inclined to dispose of this writ petition and pass the following order :

That there shall be a direction to the second respondent to consider the representation of the petitioner dated 31.03.2017 and pass orders thereon, on merits and in accordance with law, after giving reasonable opportunity of being heard to both the petitioner as well as the respondents 5 and 6 by sending separate notices to them, within a period of three months from the date of receipt of a copy of this order.

11. With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

tsvn / kst

To

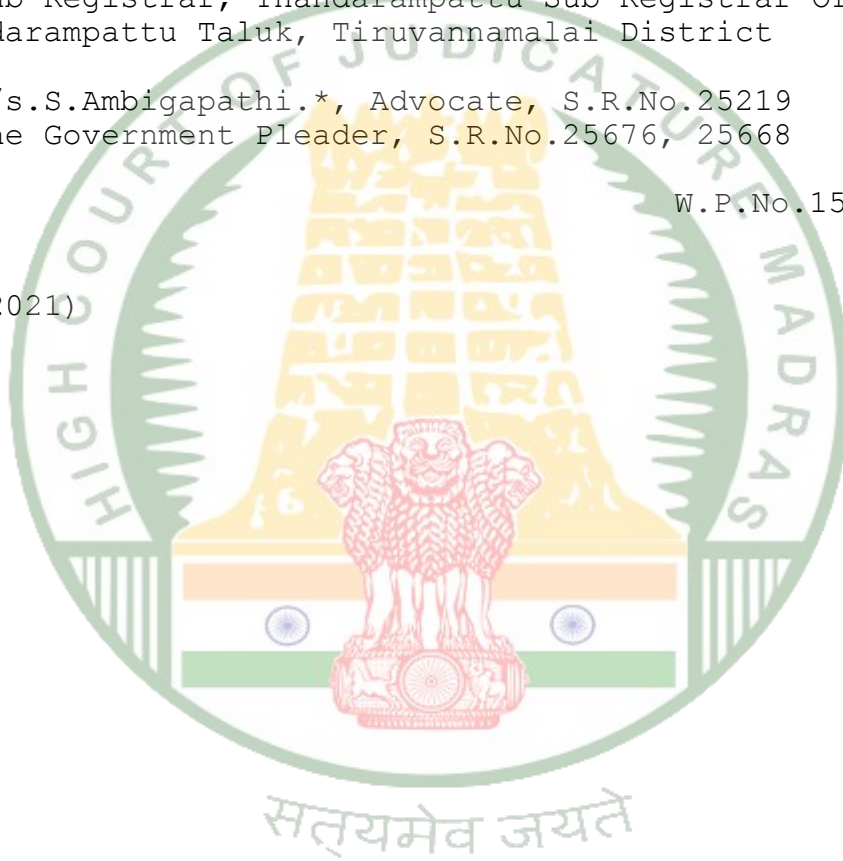
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+1cc to M/s.S.Ambigapathi.*, Advocate, S.R.No.25219

+1cc to the Government Pleader, S.R.No.25676, 25668

W.P.No.15688 of 2017

SSD(CO)
CB(05/07/2021)



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