



BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED: 21.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

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W.P. (MD)No.8243 of 2021
(Through Video Conferencing)

N.Ramalakshmi @ Ramulammal

... Petitioner

Vs.

1.The District Collector
O/o the District Collector
Theni District

2.The Sub Collector
O/o. the Sub Collector
Periyakulam Taluk
Theni District

3.The Tahsildar,
O/o. the Tahsildar,
Periyakulam Taluk
Theni District

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondent No.3 to cancel the patta wrongly changed in Survey Nos.217/4 & 217/5 situate at Thappugundu Village, Theni District in the light of the proceedings passed by the respondent No.2 in Na.Ka.No.1051/18/A1 dated 11.03.2020 in accordance with law within the time stipulated by this Court.

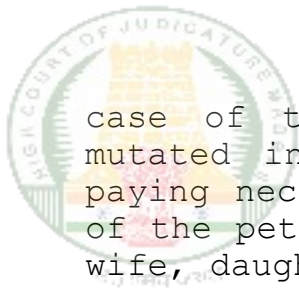
For Petitioner :Mr.M.Maharaja

For Respondents :Mr.M.Rajarajan
Additional Government Pleader

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the third respondent to pass orders in the light of the proceedings of the second respondent dated 11.03.2020 within the time limit fixed by this Court.

2. The case of the petitioner is that the property originally belonged to the grandfather of the petitioner. He died leaving behind the father of the petitioner as his legal heir. The further



case of the petitioner is that the original records were also mutated in the name of the petitioner's father and he was also paying necessary tax and kist to the Government. The further case of the petitioner is that her father passed away leaving behind his wife, daughters, petitioner and his brother.

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3. One Lakshmanan had filed a partition suit in O.S.No.491/2006 before the District Court, Theni and the same was dismissed on 13.07.2006. The petitioner also applied for joint patta in the name of all the legal heirs with respect to the subject property. It is at this point of time, the petitioner came to know that one Sethurajan had fabricated the documents and had changed the patta in his name in Patta No.730.

4. The petitioner therefore, made a representation before the third respondent to delete the entry made in favour of the said Sethurajan. At the time of enquiry, the petitioner came to know that Sethurajan had in turn executed a sale deed in favour of Lakshmanan and the patta subsequently got transferred in the name of Lakshmanan in Patta No.1055.

5. The enquiry was conducted by the second respondent and notice was issued to the petitioner and also the said Sethurajan and Lakshmanan. The second respondent, by proceedings dated 11.03.2020, allowed the appeal filed by the petitioner and directed the removal of the names of the said Sethurajan and Lakshmanan and to restore the patta in the name of the original owner.

6. The petitioner thereafter approached the third respondent and sought for passing of the consequential order and for issuance of joint patta in the name of the petitioner and other legal heirs. Since the third respondent did not pass any orders, the present writ petition has been filed before this Court seeking for appropriate direction.

7. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing on behalf of the respondents.

8. Taking into consideration the facts and circumstances of the case and also the fact that the second respondent has already passed an order through proceedings dated 11.03.2020, there shall be a direction to the third respondent to follow up the order passed by the second respondent and consider the claim made by the petitioner and other legal heirs and pass appropriate orders within six weeks from the date of receipt of a copy of this order.

9. The petitioner is directed to make a fresh representation to the third respondent along with all relevant documents and also a copy of this order.



10. The writ petition is disposed of with the above direction.
No costs.

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// True Copy //

Sd/-

Assistant Registrar (Records)

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector
O/o the District Collector
Theni District

2.The Sub Collector
O/o. the Sub Collector
Periyakulam Taluk
Theni District

3.The Tahsildar,
O/o. the Tahsildar,
Periyakulam Taluk
Theni District

+1 CC to M/s.SPL GP (SR-17148[F] dated 22/04/2021)

W.P. (MD)No.8243 of 2021
21.04.2021

KE(06.05.2021) 3P 5C