



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8445 of 2021

M.Vimala

... Petitioner

Vs.

1.The District Revenue Officer,
Office of the District Revenue Officer,
Karur.

2.The Revenue Divisional Officer,
Karur.

3.The Tahsildar,
Aravakurichi Taluk,
Karur.

4.G.Markandeyan

5.M.Dhanapalan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to conduct the enquiry and pass orders on merits based on his proceedings in Na.Ka.A4/8471/2018, dated 09.09.2019 within the time stipulated by this Court.

For Petitioner

: Mr.R.Devaraj

For Respondents 1 to 3

: Mr.M.Lingadurai
Government Advocate

For Respondents 4 & 5

: Mr.V.Balaji

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the second respondent to conduct the enquiry in Na.Ka.No.A4/8471/2018, dated 09.09.2019 and pass orders within the time limit fixed by this Court.

2. The grievance of the petitioner is that she is entitled to a share in the subject property and at the time when the joint patta was issued, her name was not included in the patta. According to the petitioner, the fourth respondent, who is her brother, has managed to get his name added in the patta and subsequently he has also executed a settlement deed in favour of his son who is the fifth respondent.



3. The representation made by the petitioner was taken on file by the second respondent in Na.Ka.A4/8471/2018. Since the same was not enquired, the present writ petition has been filed before this Court.

WEB COPY

4. The fourth respondent has filed a counter affidavit and has disputed the claim made by the petitioner. According to the fourth respondent, the property in question is a joint family property and the petitioner who got married in the year 1982 is not entitled for a share.

5. Heard Mr.R.Devaraj, learned counsel appearing on behalf of the petitioner, Mr.M.Lingadurai, learned Government Advocate appearing on behalf of the respondents 1 to 3 and Mr.V.Balaji, learned counsel appearing on behalf of the respondents 4 & 5.

6. In the considered view of this Court, the disputes raised by the petitioner on the one hand and respondents 4 and 5 on the other need not be gone into by this Court. The matter is now pending consideration before the second respondent. Therefore, the second respondent can deal with the issue after affording opportunity to the petitioner and after considering the objections made by the fourth respondent that was filed on 04.09.2021 along with documents and pass orders on its own merits and in accordance with law.

7. This writ petition is disposed of with the direction to the second respondent to complete the proceedings in Na.Ka.No.A4/8471/2018 dated 09.09.2019 within a period of six(6) weeks from the date of receipt of a copy of this order. No Costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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 Revenue Officer,
Office of the District Revenue Officer,
Karur.

2.The Revenue Divisional Officer,
Karur.

3.The Tahsildar,
Aravakurichi Taluk,
Karur.

+1 CC to M/s.R.DEVARAJ, Advocate (SR-22785[F] dated 15/07/2021)

+1 CC to M/s.SPL GP (SR-22528[F] dated 14/07/2021)

**W.P. (MD) .No.8445 of 2021
13.07.2021**

RK (20.07.2021) 3P 6C