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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.8684 of 2021

V.Krishnan ...Petitioner

Vs.

1. The District Collector,
   Dindigul District, Dindigul.

2. The District Revenue Officer,
   Dindigul District, Dindigul.

3. The Tahsildar,
   Vedachandur Taluk Office,
   Vedachandur, Dindigul District.

4. Chitra

5. Thanthondi

6. Govindammal

7. Kannan ... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent herein to delete the name of the fourth respondent's husband from the joint patta No.2388 and further direct the third respondent to include the petitioner's name in the joint patta No.2388 with regard to property in Survey No.1173, situated at Ayyalur Village, Vedasandur Taluk, Dindigul District, based on the petitioner's representation, dated 12.07.2017.

For Petitioner : Mr.G.Gomathi Sankar
For R-1 to R-3 : Mr.P.Mahendran
Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the third respondent to consider the representation made by the petitioner on 12.07.2017, wherein, the petitioner has sought for the deletion of the name of the fourth respondent's husband from the joint patta No.2388 and for the inclusion of the name of the petitioner in the joint patta.

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2. The case of the petitioner is that three acres of land in Survey No.1173 was allotted in favour of the grandfather of the petitioner by virtue of an oral partition. Thereafter, the patta and other revenue records were changed in the name of the grandfather of the petitioner and he was in possession and enjoyment of the same. On the demise of the grandfather, the father of the petitioner was enjoying the property till his life time and after his demise, the petitioner claims to be in possession and enjoyment of the property.

3. The grievance of the petitioner is that the name of the husband of the fourth respondent was included in the patta during the UDR Scheme and according to the petitioner, neither the fourth respondent nor her husband have anything to do with the subject property.

4. It is also seen from records that the petitioner and the other legal heirs also filed a suit before the District Munsif cum Magistrate Court, Vedasndur in O.S.No.205 of 2015, seeking for the relief of declaration, permanent injunction and other consequential reliefs against the private respondents and others and the said suit was decreed by Judgment and Decree dated 18.04.2017. It is claimed that this decree has become final.

5. The petitioner, thereafter, made a representation to the third respondent on 12.07.2017 seeking for the removal of the name of the husband of the fourth respondent from the joint patta and to include the name of the petitioner. Since the same was not acted upon, the present Writ Petition has been filed before this Court seeking for appropriate directions.

6. Heard Mr.G.Gomathi Sankar, learned counsel appearing on behalf of the petitioner and Mr.P.Mahendran, learned Additional Government Pleader, appearing on behalf of the respondents 1 to 3.

7. Taking into consideration the facts and circumstances of the case and also of the fact that a suit filed by the petitioner and other legal heirs was decreed in their favour, the third respondent is directed to consider the representation made by the petitioner on 12.07.2017 and pass appropriate orders strictly in accordance with law, within a period of six (06) weeks from the date of receipt of a copy of this order. If there are any interested parties claiming right over the subject property, they shall also be issued with notice and an opportunity shall also be given to them.

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

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9. The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CSI)

// True Copy //

/ /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.

tsg

To

1. The District Collector, Dindigul District, Dindigul.

2. The District Revenue Officer, Dindigul District, Dindigul.

3. The Tahsildar,
Vedachandur Taluk Office,
Vedachandur, Dindigul District.

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-17815[F] dated 28/04/2021)

+1 CC to M/s.SPL GP (SR-18075[F] dated 29/04/2021)

Order made in
W.P.(MD).No.8684 of 2021

Dated:
28.04.2021

GS (9.06.2021) 3P 6C

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