



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8761 of 2021

V.Biruntha

...Petitioner

Vs.

1.The Revenue Divisional Officer
RDO Office
Sivakasi
Virudhunagar District

2.The Tahsildar
Srivilliputhur Taluk
Virudhunagar District

3.Tmt.K.Krishna,
W/o.S.Kannan,
Perumal Kovil Street,
Vathrab 626 132,
Srivilliputhur Taluk,

... Respondents

** R3 suo moto added by this Court vide order dated 29.04.2021*

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to dispose of the appeal filed by the petitioner dated 10.07.2020 pending before the first respondent within the time limit stipulated by this Court.

For Petitioner : Mr.R.Saravanan

For Respondents 1 & 2 : Mr.M.Muniasamy

Additional Government Pleader

ORDER

Tmt.K.Krishna, W/o.S.Kannan, Perumal Kovil Street, Vathrab 626 132, Srivilliputhur Taluk, is *suo motu*, added as the third respondent in this Writ Petition.

2.This Writ Petition has been filed for issue of Writ of Mandamus, directing the first respondent to dispose of the appeal filed by the petitioner on 10.07.2020 within a time frame fixed by this Court.

3.The case of the petitioner is that the subject property



originally belonged to the father of the petitioner. He died in the year 1982 and on his demise, all his legal heirs became entitled to a share in the property.

4.The petitioner found that her brother Kannan had executed a release deed on 19.11.1988 as if all the legal heirs had relinquished their rights over the property. Subsequently, he executed a registered settlement deed in favour of his wife who is the impleaded third respondent in this writ petition, on 23.08.2006. Thereafter, the second respondent through proceedings dated 04.06.2012 had transferred the patta with respect to the subject property in the name of the impleaded third respondent.

5.The petitioner aggrieved by the same, filed an appeal before the first respondent seeking to remove the name of the impleaded third respondent from the Patta and to restore the Patta in its original name and issue a joint Patta to all the legal heirs of the deceased Srinivasa Naidu. Since the appeal was not taken up for hearing by the first respondent, the present Writ petition has been filed before this Court for appropriate directions.

6.Heard Mr.R.Saravanan, learned counsel appearing for the petitioner and Mr.M.Muniasamy, learned Additional Government Pleader appearing for the respondents 1 and 2.

7. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the first respondent to consider the appeal filed by the petitioner on 10.07.2020 on its own merits and in accordance with law after affording an opportunity to the petitioner and other legal heirs and also to the third respondent and pass final orders within a period of eight (8) weeks from the date of receipt of a copy of this order.

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

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

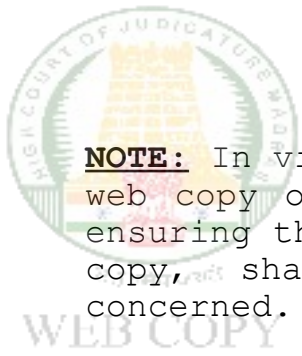
Sd/-

Assistant Registrar (CS II)

// 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.

To

1.The Revenue Divisional Officer
RDO Office
Sivakasi
Virudhunagar District

2.The Tahsildar
Srivilliputhur Taluk
Virudhunagar District

3.Tmt.K.Krishna,
W/o.S.Kannan,
Perumal Kovil Street,
Vathrab 626 132,
Srivilliputhur Taluk, .

+1 CC to M/s.R.SARAVANAN, Advocate (SR-18017[F] dated 29/04/2021)

+1 CC to M/s.SPL GP (SR-18295[F] dated 30/04/2021)

Order made in
W.P. (MD) .No.8761 of 2021
Dated:
29.04.2021

AS (09.06.2021) 3P 6C