



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2021

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.9244 of 2021

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... Petitioner

Vs.

1.The Assistant Settlement Officer, South
Survey House, GR Patta,
Chepak, Chennai.

2.The District Collector,
Sivagangai District, Sivagangai.

3.The Revenue Divisional Officer,
Sivagangai, SivagangaiDistrict.

4.The Special Tashiltar,
Ground Rent Scheme,
District Collector Office,
Sivagangai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner representation, dated 22.02.2021 and pass orders in accordance with law within a time frame as fixed by this Court.

For Petitioner	: Mr.K.K.Maheshraja
For Respondents	: Mr.P.Thilak Kumar, Standing Counsel for Government

ORDER

Mr.P.Thilak Kumar, learned Standing Counsel, accepts notice on behalf of the respondents.

2. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3.This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the

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respondents to consider the petitioner representation, dated 22.02.2021.

4. According to the petitioner, he is hailing from agricultural family and residing in G.R. Survey No.103/14, Sivagangai District, Thiruppuvanam Taluk, Thiruppuvanam Pudur Village. The said house property belongs to his grandfather, namely, Periyampalai, who was in possession and enjoyment on the above said property till his lifetime without any hindrance. The Periyampalai had four sons, namely, P.Duraipandian, P.Kannan, P.Mani and P.Karuppaiyah. After demise of his grandfather, the said four sons equally shared the said property and enjoyed the same. The petitioner is the legal heir of one Duraipandian and enjoying the property till now and other legal heirs also equally enjoying the house property. There is a vacant place near the house property and it has been used by all the legal heirs as common pathway. In the meantime, one Padmanapan, who is the son of P.Kannan, made two applications and sought for GR Pattas before the fourth respondent in respect of the above said house property and vacant site. But the fourth respondent neither conducted enquiry nor given any opportunity with the co-sharers issued GR exclusive patta for vacant site in respect of GR Survey No.103/77 in favour of Padmanapan. The said property was also subdivided. Thereafter, the fourth respondent issued another GR joint patta in favour of all the co-sharers in respect of the house property and the fourth respondent has allotted the half share in favour of the padmanaban and remaining half share has allotted other co-sharers, due to which, the problem arose among their family members in respect of the property. Hence, the petitioner along with the co-sharers made representation along with objections to the respondents on 22.02.2021. Since no action has been taken by the respondents, the present Writ Petition came to be filed.

5. The learned counsel for the petitioner would state that it would be suffice if a direction is given to dispose of the representation of the petitioner.

6. The learned standing counsel for the respondents would state that the representation of the petitioner would be considered within a reasonable time.

7. Considering the submissions of the learned counsel for the petitioner as well as the respondents and in the light of the facts and circumstances of the case, without going into the merits of the case projected by the petitioner either in his representation or in this Writ Petition, the respondents are directed to consider the representation of the petitioner dated 22.02.2021 on merits and in



twelve weeks from the date of receipt of a copy of this order

8. With the above direction, the writ petition is disposed of.
No Costs.

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Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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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 Assistant Settlement Officer, South
Survey House, GR Patta,
Chepak, Chennai.

2. The District Collector,
Sivagangai District, Sivagangai.

3. The Revenue Divisional Officer,
Sivagangai, Sivagangai District.

4. The Special Tashiltar,
Ground Rent Scheme,
District Collector Office,
Sivagangai.

+1 CC to M/s.SPL GP (SR-18918[F] dated 07/06/2021)

W. P (MD) No. 9244 of 2021

04.06.2021

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