



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.06.2021**

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.9648 of 2021

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M.Chinnakaruppan

... Petitioner

Vs.

1.The District Revenue Officer,
The District Revenue Office,
The Collector office campus,
Sivagangai District.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Thiruppathur,
Sivagangai District.

3.The Tahsildar,
Thirupatthur Taluk Office,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the second respondent herein to take necessary action on the basis of the proceedings issued by the first respondent in Na.Ka.P1-21531-2020 dated 31.12.2020 within the time stipulated by this Court.

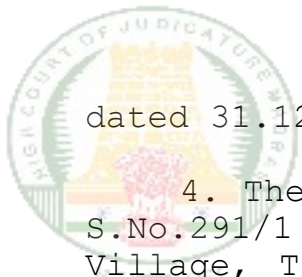
For Petitioner	: Mr.B.Jameelarasu
For Respondent	: Mr.P.Thillak Kumar,
Nos.1 to 3	Standing Counsel for Government

O R D E R

Mr.P.Thilak Kumar, learned Standing Counsel for the Government, accepts notice on behalf of the respondent Nos.1 to 3.

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 second respondent herein to take necessary action on the basis of the proceedings issued by the first respondent in Na.Ka.P1-21531-2020



dated 31.12.2020 within the time stipulated by this Court.

4. The case of the petitioner is that the property comprised in S.No.291/1 of a total extent of 88.50 acres situated at Thuvvar Village, Tirupathur Taluk, Sivagangai District having Patta No.210 belongs to Karuppan son of Muthu, who inherited through his grandmother namely Karuppayee. After his death, the legal heirs namely Sigappiammal, Chinna Pillai, Valliyappan and Muthu/father of the petitioner have been in joint possession and enjoyment of the same. In due course of time, Sigappaiammal died leaving behind her legal heir one Jayaraman. Thus, the legal heir and the above said persons have become owners of the said property. While so, on 29.06.1991 vide proceedings in RTR.No.119/1400, the Tahsildar, Thirupathur has held that Valliappan, who is the brother of the petitioner's father, is only entitled for the said property and the patta was also given in his favour. In this regard, the proceedings were issued without following any procedures. In fact, the entire property belongs to all the legal heirs and the said Valliappan has no individual right. On the basis of the said patta, the said Valliappan executed Gift Deed in favour of one Veerayya Perumal on 07.08.2020 vide document No.1447/2020. Taking advantage of the said Gift Deed, sale deed was executed in favour of one Arishikumar and Anantha and Arun. After coming to know of the said illegal acts, the petitioner sent a detailed representation to the Tahsildar, Tirupathur not to change the patta which was registered in proceedings No.469/3/9/2020 and the same was also acknowledged. Thereafter, the Tahsildar, Tirupathur granted patta in favour of the above said Ashishkumar vide proceedings No.2020/0103/089764 dated 07.09.2020.

5. In response to the said representation, the District Revenue Officer/1st respondent herein sent a communication in Na.Ka.P1-25513-2020 dated 31.12.2020 directing the Revenue Divisional Officer, Thirupathur, Sivagangai District to take necessary action in the representation and submit a report to him. But, the second respondent did not take any action in the said representation, which has been kept in cold storage. Therefore, the petitioner has filed the present petition.

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

7. The learned standing counsel for the respondents would state that the representation of the petitioner would be disposed of within a time frame.

8. Considering the submissions of the learned counsel for the petitioner as well as the respondents, without advertting to the merits of the case, the second respondent is directed to consider the representation of the petitioner dated 21.09.2020, on merits and



in accordance with law and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.

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

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Sd/-

Assistant Registrar (CSII)

// 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.

ssb
To

1.The District Revenue Officer,
The District Revenue Office,
The Collector office campus,
Sivagangai District.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Thiruppathur,
Sivagangai District.

3.The Tahsildar,
Thirupatthur Taluk Office,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-18965[F] dated 07/06/2021)

Order made in
W.P(MD)No.9648 of 2021

04.06.2021

GS (16.06.2021) 3P 5C