



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :04.06.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.9673 of 2021

(Through Video Conference)

WEB COPY

M.Tamilselvi

... Petitioner

Vs.

1.The Revenue Divisional Officer (West),
O/o Revenue Divisional Office,
Trichy District, Trichy.

2.The Assistant Commissioner,
Anti-Land Grabbing Special Cell,
Cantonment, Trichy.

3. Shanthi

... 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 and pass orders on the petitioner's representation dated 17.04.2021.

For Petitioner	: Mr.G.Manikandan
For Respondents	: Mr.P.Thilak Kumar, standing Counsel.

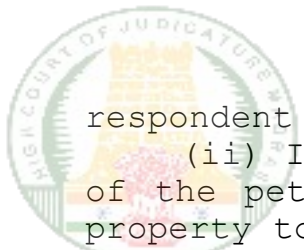
O R D E R

Mr.P.Thilak Kumar, learned Standing Counsel for the Government, accepts notice on behalf of the respondents 1 and 2.

2. In view of the order going to be passed in this writ petition, notice to the third respondent is dispensed with.

3. The brief facts of the case are as follows:

(i) The father of the petitioner and his paternal uncle together had a tiled house at Survey No.55, D.No.13/D, North Edaththeru, Beema Nagar, Trichy. The third respondent, who is a tenant with an ulterior motive, was trying to grab the property by way of getting fake patta and chitta. Therefore, the father of the petitioner and his paternal uncle approached the second respondent herein in person on several occasions to take necessary action against the third respondent. While the matter stood thus, the petitioner along with his sister, filed a suit in O.S.No.194 of 2019 on the file of the II Additional District Judge, Trichirappalli, seeking partition in the above said property. In the said suit, the petitioner has arrayed his father, his paternal uncle, the third



respondent and her relatives as defendants.

(ii) It is the further case of the petitioner that the father of the petitioner and his paternal uncle mortgaged the above said property to one Sahaya Vadivel Samy for a sum of Rs.4,00,000/- vide document No.5988 of 2019, dated 30.09.2019. In the meanwhile, the petitioner's father died on 21.06.2020. Thereafter, the paternal uncle created a Will allotting his Half share to the petitioner. Subsequently, the above said suit was withdrawn by the petitioner and his sister.

4. Now, the petitioner has made a representation dated 17.04.2021, before the respondents 1 and 2, to take necessary action against the third respondent with regard to grabbing of land. However, the said representation is said to be still pending. Hence, this writ petition.

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q 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 1 and 2 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 second respondent is directed to consider the representation of the petitioner dated 17.04.2021, 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. Such exercise shall be done after giving due opportunity to the petitioner as well as the third respondent.

8.With the above direction, the writ petition is disposed of.
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,
<https://hcservices.ecourts.gov.in/hcservices/>



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.

Sts/pm

To:

1.The Revenue Divisional Officer (West),
O/o Revenue Divisional Office,
Trichy District, Trichy.

2.The Assistant Commissioner,
Anti-Land Grabbing Special Cell,
Cantonment, Trichy.

+1 CC to M/s.SPL GP (SR-18941[F] dated 07/06/2021)

Order made in
W.P(MD)No.9673 of 2021

Dated:
04.06.2021

GS (25.06.2021) 3P 4C