



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.07.2021

CORAM :

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.12111 of 2021

Thiruppathi

...Petitioner

Vs.

1.The District Revenue Officer,
Virudhunagar District, Virudhunagar.

2.The Revenue Divisional Officer/Sub-Collector,
Sivakasi,
Virudhunagar District.

3.The Tahsildhar,
Taluk Office,
Sivakasi Taluk,
Virudhunagar District.

4.N.Neelapushpam

5.T.K.N.Jeyakumar

6.Gopal Thevar

7.Muthukrishnan

8.Lingammal

9.Meena

10.Venkateswari

11.Vinothini

12.Andal Ammal.

...Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent herein to expedite his proceedings on his application dated 20.02.2021 and to cancel the patta wrongly issued in favour of the respondents 4 to 12 herein and further to issue patta in favour of the petitioner in the light of the decree and judgment passed by



this Court in S.A.(MD).No.504 of 2012 dated 01.12.2016 within stipulated time fixed by this Court.

For Petitioner : Mr.T.Veera Kumar

For Respondents : Mr.M.Lingadurai for R1 to R3
Government Advocate

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ORDER

This writ petition has been filed seeking for a writ of Mandamus, directing the first respondent to expedite the proceedings that are pending pursuant to the application submitted by the petitioner, on 20.02.2021, wherein, the petitioner has sought for cancellation of the patta issued in favour of the respondents 4 to 12.

2.The case of the petitioner is that her sister Ponnuthayee had executed a registered Will in her favour on 22.09.2000 and the same was also registered in document No.57 of 2000. The further case of the petitioner is that even during her life time, Ponnuthayee had filed civil suits and the same was decreed in her favour and had become final.

3.While so, the petitioner found that the third respondent had subdivided the property and issued patta in favour of the respondents 4 to 12 without even putting the petitioner on notice. Hence, the petitioner approached the third respondent and explained about the earlier civil proceedings. The application made by the petitioner was not entertained by the third respondent. Aggrieved by the same, the petitioner made an application before the second respondent seeking for the cancellation of patta granted in favour of the respondents 4 to 12 and the same was also dismissed by an order, dated 22.12.2020. Aggrieved by the same, the petitioner filed a revision before the first respondent on 20.02.2021. Since the same was not considered, the present writ petition has been filed seeking for appropriate directions.

4.Heard Mr.T.Veera Kumar, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate appearing for the respondents 1 to 3.

5.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 act upon the application made by the petitioner, on 20.02.2021 and deal with the same on its own merits and in accordance with law after affording opportunity to the petitioner and respondents 4 to 12 and final orders shall be passed, within a period of eight weeks from the date of receipt of a copy of this order.

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



7.This writ petition is disposed of with the above directions.
No costs.

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// True Copy //

Sd/-

Assistant Registrar (CRL)

/ /2021

Sub Assistant Registrar(CS)

TM

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 District Revenue Officer,
Virudhunagar District, Virudhunagar.
- 2.The Revenue Divisional Officer/Sub-Collector,
Sivakasi,
Virudhunagar District.
- 3.The Tahsildhar,
Taluk Office,
Sivakasi Taluk,
Virudhunagar District.

+1 CC to M/s.GP (SR-23321[F] dated 20/07/2021)

W.P. (MD) .No.12111 of 2021

19.07.2021

MGJ(26.07.2021) 3P 5C