



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.13721 of 2021

M.Muniyammal

... Petitioner

versus

1.The District Collector,
District Collectorate Office,
Dindigul.

2.Revenue Divisional Officer,
Revenue Divisional Office,
Dindigul.

3.The Tahsildar,
Office of Tahsildar,
Dindigul East Taluk,
Dindigul District.

4.P.Andal Ammal

... Respondents

Prayer Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, directing the respondents 1 to 3 to conduct enquiry and pass orders pursuant to the petitioner's representation dated 24.04.2021 and as per proceedings in Na.Ka.No.54/2021/A4 dated 10.05.2021 on the file of the 1st respondent herein.

For Petitioner : Mr.V.Illanchezian

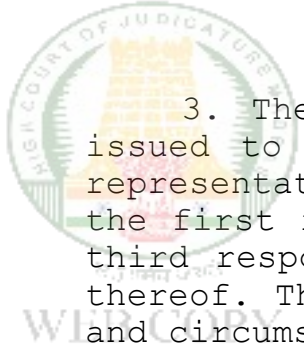
For Respondent : Mr.R.Baskaran

Counsel for respondents 1 to 3.

ORDER

The petitioner seeks the disposal of a representation dated 24.04.2021 to the District Collector by taking into account the proceedings dated 10.05.2021.

2. The petitioner states that the lands in Survey No.843/2 admeasuring 1 acre and 46 cents in Koovanuthu Village, Dindigul East Taluk, Dindigul District, were assigned by the Government in the name of her late husband Mottaiyan Sambaan. It is stated that her husband did not transfer the said property to anybody during his life time. Upon his death on 01.06.2016, the petitioner states that his legal heirs, including the petitioner, are in possession and enjoyment of the same.



3. The petitioner alleges that the patta for these lands was issued to one Mrs.Andalammal on 16.08.2011. Upon submission of a representation by the petitioner on 24.04.2021, it is stated that the first respondent, by proceedings dated 10.05.2021, directed the third respondent to conduct an inquiry and communicate the outcome thereof. The present writ petition has been filed in the said facts and circumstances.

4. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of the respondents 1 to 3.

5. The documents on record reveal that a patta has been issued in respect of Survey No.843/2 to Mrs.Andalammal. Consequently, in order to grant the relief claimed by the petitioner, it would be necessary to cancel or mutate the patta issued to Mrs.Andalammal, insofar as Survey No.843/2 is concerned. This power is vested in and should be exercised by the Revenue Divisional Officer concerned. Indeed, the petitioner has submitted a representation dated 24.04.2021 to the Revenue Divisional Officer concerned also.

6. Accordingly, without going into the merits of the matter, the second respondent herein is directed to consider the petitioner's representation dated 24.04.2021, and conduct an inquiry in respect thereof by providing a reasonable opportunity to the petitioner, the fourth respondent herein and any others who would be affected by the decision. Upon conclusion of such inquiry, the second respondent is directed to issue a reasoned order within a period of three months from the date of receipt of a copy of this order. In view of the fact that the merits of the matter have not been gone into and because the second respondent herein is directed to hear the fourth respondent before passing an order, the writ petition is disposed of without notice to the private respondent.

7. W.P.(MD).No.13721 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (AE)

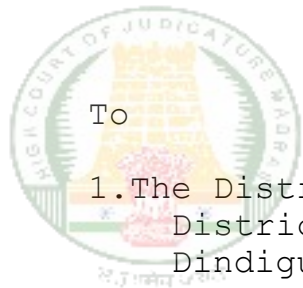
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/ /2021

Sub Assistant Registrar(CS)

sbn

Note: In view of the present lock down owing to COVID-19pandemic, 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 Collector,
District Collectorate Office,
Dindigul.

2.Revenue Divisional Officer,
Revenue Divisional Office,
Dindigul.

3.The Tahsildar,
Office of Tahsildar,
Dindigul East Taluk,
Dindigul District.

W.P (MD) No.13721 of 2021
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LS (CO)

KB(16.08.2021) 3P 4C