



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15037 of 2021

Thamarai Selvi,
W/o. Chellamuthu,
No.2/19, Behind Union Office,
Thoppampatti, Palani Taluk,
Dindigul District.

... Petitioner

Vs.

1. The Sub Collector,
Palani,
Dindigul District.

2. The Tahsildar,
Palani Taluk,
Dindigul District.

3. Sahul Hameed

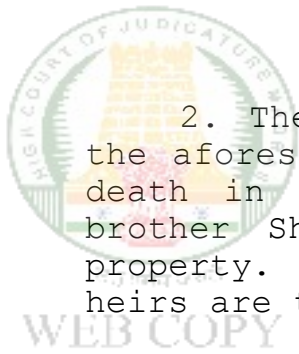
... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus or any other order or direction in the nature of writ, directing the first respondent to consider and pass orders on the petitioner's appeal dated 09.02.2021 to cancel the Patta issued in favour of the third respondent in respect of the property namely housing plot Nos.12 & 13 comprised in Survey No.399/1A1 at Kothaimangalam Village, Palani Taluk, Dindigul District.

For Petitioner : Mr.T.Lenin Kumar
For Respondents : Mr.R.Baskaran,
Counsel for State

ORDER

The petitioner seeks the expeditious disposal of an appeal filed on 09.02.2021 to cancel the patta issued in favour of the third respondent as regards the property bearing Plot Nos.12 & 13 in Survey No.399/1A1, Kothaimangalam Village, Palani Taluk, Dindigul District.



2. The petitioner claims that her mother, Velammal, purchased the aforesaid two plots by a sale deed dated 15.09.1984. Upon her death in the year 1991, it is stated that the petitioner, her brother Shanmugasundaram and her father Murugesan inherited her property. Thereafter, her father died and the only surviving legal heirs are the petitioner and her brother.

3. The petitioner claims that she discovered that the patta had been issued to the third respondent herein only in November, 2020. In the circumstances, the petitioner filed an appeal on 09.02.2021 before the first respondent herein. The present writ petition is filed for the expeditious disposal thereof.

4. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of respondents 1 and 2. He submits that the first respondent may be directed to consider and dispose of the appeal on merits.

5. Given the limited scope of the relief claimed in the present writ petition, it is not necessary to enter into the merits of the dispute. The petitioner has filed the appeal on 09.02.2021 and it is just and reasonable that such appeal be disposed of expeditiously.

6. Accordingly, without going into the merits of the matter, the first respondent herein is directed to consider the petitioner's appeal dated 09.02.2021 and dispose of the same by a reasoned order in accordance with law after providing a reasonable opportunity to the petitioner, the third respondent herein and any other parties to such appeal. Such reasoned order shall be passed within a period of three months from the date of receipt of a copy of this order.

7. W.P.(MD).No.15037 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn/nsr

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 Sub Collector,
Palani,
Dindigul District.

2. The Tahsildar,
Palani Taluk,
Dindigul District.

+1 CC to M/s.GP (SR-27363[F] dated 26/08/2021)

W.P (MD) No.15037 of 2021
25.08.2021

dj (CO)

TR(02.09.2021) 3P 4C