



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.16768 of 2021

WEB COPY

Pappathiammal

... Petitioner

Vs.

1.The District Collector,
Theni,
Theni District.

2.The Revenue Divisional Officer,
Periyakulam,
Theni District.

3.The Thasildar,
Andipatti Taluk,
Theni District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to dispose the appeal filed by the petition dated 31.12.2020 within a time frame.

For Petitioner	: Mr.S.C.Herold Singh
For Respondents	: Mr.K.S.Selva Ganesan Counsel for State

O R D E R

The petitioner seeks the expeditious disposal of an appeal filed before the Revenue Divisional Officer.

2. The petitioner states that she is the owner of the property comprised in Survey No.1472/2B, Andipatti Village, Theni District admeasuring 0.18.0 Ares and the property bearing Survey No.1473/4 admeasuring 0.24.0 Ares. The petitioner asserts that she purchased the property on 03.05.1973 by a registered sale deed bearing Document No.728 of 1973. The petitioner asserts that she was shocked to find that the patta had been issued in the name of one Veerammal under Patta No.5229 and Patta No.3148 in respect of the above mentioned property. Upon coming to know of the same, it is stated that an appeal was filed before the second respondent on 31.12.2020. Based on such appeal, the petitioner states that the third respondent directed the Village Administrative Officer, Andipatti to conduct an inquiry and submit a report to the third respondent. The petitioner also states that the second respondent instructed the third respondent to submit a report to the second



respondent. The present Writ Petition is filed in view of the failure to take any further action on the petitioner's appeal.

3. Mr.K.S.Selva Ganesan, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the petitioner appears to have created a mortgage in favour of Ponnaiah Thevar.

4. The petitioner has enclosed the sale deed dated 03.05.1973 on the basis of which the petitioner claims title. Pattas issued in favour of one Veerammal are enclosed. Upon perusal thereof, it appears that such pattas were issued pursuant to proceedings dated 29.05.2004 and 12.04.2002, respectively. The petitioner has also enclosed the Encumbrance Certificate relating to the above mentioned property. Such Encumbrance Certificate reflects the sale deed in favour of the petitioner. In addition, it reflects a transaction in favour of Ponnaiah Thevar in 1973. This aspect should be taken into consideration while disposing of the appeal filed by the petitioner.

5. Subject to the above observations but without entering any findings on the merits of the matter, the second respondent herein is directed to consider the petitioner's appeal dated 31.12.2020 and dispose of the same after providing a reasonable opportunity to the petitioner, Veerammal and Ponnaiah Thevar. Such appeal shall be disposed of by a reasoned order to be issued within a period of three (3) months from the date of receipt of a copy of this order.

6. Accordingly, W.P.(MD).No.16768 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/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 District Collector,
Theni,
Theni District.

2.The Revenue Divisional Officer,
Periyakulam,
Theni District.

3.The Thasildar,
Andipatti Taluk,
Theni District.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-29684[F]
dated 21/09/2021)

+1 CC to M/s.SPL.GP (SR-29925[F] dated 22/09/2021)

W.P. (MD) No.16768 of 2021

20.09.2021

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