



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.5270 of 2022

J.Santhakumari

Represented by Power of Attorney,

B.Vanishree

...Petitioner

Vs.

1.The District Collector,
Collector Office,
Nagapattinam,
Nagapattinam District.

2.The District Revenue Officer,
Nagapattinam,
Nagapattinam District.

3.The Revenue Divisional Officer,
Nagapattinam,
Nagapattinam District.

4.The Tahsildar,
Nagapattinam,
Nagapattinam District.

5.Mohamed Kuthbudeen

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records from the fourth respondent in respect of the Patta issued in the name of Nabeesa Nachiyar, W/o.Hasan Abdul Khader, the mother of the fifth respondent at Nagapattinam District, Nagore Town, Public Office Road, Ward No.6, Block No.28 comprised in Town Survey Nos.1593 and 1595 dated 29.08.2017 to quash the same which is illegal and unlawful and direct the fourth respondent to restore the Patta which stands originally in the name of Ramachandra Naidu, the great grand father of the petitioner by deleting the Patta issued in the name of Nabeesa Nachiyar, W/o.Hasan Abdul Khader, the mother of the fifth respondent in respect of the above survey numbers.



WEB COPY

For Petitioner : Mr.A.Balasingh Ramanujam
For Respondents : Mr.M.Murali
Government Advocate

ORDER

The petitioner has filed this petition to issue a Writ of Certiorarified Mandamus to call for the records from the fourth respondent in respect of the Patta issued in the name of Nabeesa Nachiyar, dated 29.08.2017 to quash the same which is illegal and unlawful and direct the fourth respondent to restore the Patta which stands originally in the name of Ramachandra Naidu, by deleting the Patta issued in the name of Nabeesa Nachiyar.

2. Mr.M.Murali, learned Government Advocate takes notice for the respondents. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. Since, no adverse order is being passed against the fifth respondent, notice to the fifth respondent is dispensed with.

4. The case of the petitioner is that the property comprised in Town Survey No.1593, measuring an extent of 7.9479 Sq.ft, Town Survey No.1594 measuring an extent of 0.17285 sq.ft, Town Survey No.1595 of an extent of 1.31509 sq.ft and S.No.1595 of an extent of 0.26248 sq.ft, totally measuring an extent of 9 acres 69,832 sq.ft, situated at Ward No.6, Block No.28, Nagapattinam District, Nagore Town was owned and possessed by her great Grandfather Ramachandran Naidu. Thereafter, a partition deed executed between the family members and the same was registered by Document No.1129/1918 on the file of SRO, Nagapattinam. Petitioner's great Grandfather died in the year 1940, leaving behind the petitioner and other as legal heirs to succeed the above said property. Thereafter, the said property came to petitioner's mother by way of succession and her mother executed a General Power of Attorney in favour of the petitioner by Document No.36 of 2009, dated 02.02.2009 on the file of the District Registrar, Nagapattinam. However, the fifth respondent appeared to have fabricated some documents and obtained Patta in the name of his mother despite of the suit filed by the petitioner in O.S.No.102 of 2012 pending on the file of District Munsif Court at Nagapattinam. Thereafter, the petitioner had



made an application dated 30.07.2021 before the first respondent to cancel the Patta issued in favour of the fifth respondent mother and to issue Patta in favour of the petitioner, and the same was forwarded to fourth respondent by the Revenue Divisional Officer on 16.08.2021 and 09.11.2021. However, till date no action has been taken by the respondents on the application made by the petitioner. Hence, the present Writ Petition has been filed by the petitioner for the above relief.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court directs the fourth respondent to consider the petitioner's application, dated 30.07.2021 and pass appropriate orders on letter forwarded by the Revenue Divisional Officer on 16.08.2021 and 09.11.2021 within the time frame that may be fixed by this Court.

6. The learned Government Advocate appearing for the respondents submits that the petitioner's application dated 30.07.2021 will be considered by first respondent within the time frame that may be fixed by this Court.

7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the fourth respondent to consider the petitioner's representation dated 30.07.2021, and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity to the fifth respondent.

7. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

tri/skt

To

1. The District Collector,
Collector Office,
Nagapattinam,
Nagapattinam District.



2.The District Revenue Officer,
Nagapattinam,
Nagapattinam District.

3.The Revenue Divisional Officer,
Nagapattinam,
Nagapattinam District.

4.The Tahsildar,
Nagapattinam,
Nagapattinam District.

+1 CC to The Government Pleader sr 16689

+2 Ccs to Mr.A.Balasingh Ramanujam, Advocate sr 15991.

W.P.No.5270 of 2022

PA (CO)
SP (25/03/2022)