



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE M. DHANDAPANI

W.P. No.6978 of 2022

R.Kuppamma

...Petitioner

Vs.

1. The District Collector,
Villupuram,
Villupuram District.
2. The District Revenue Officer,
Villupuram,
Villupuram District.
3. The Revenue Divisional Officer,
Dindivanam,
Villupuram District.
4. The Tahsildar,
Dindivanam,
Villupuram District.
5. Jason Infra Pvt.Ltd.
Represented by its Manager,
No.29, Tilak Street,
T.Nagar,
Chennai-600 017.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to cancel the Patta in the name of the 5th respondent for the admeasuring 1 Acre 33 Cents out of 2 Acre 66 Cents comprised in Old S.No.48/1A, New S.No.20/1 and the property admeasuring 1 Acre 99 Cents comprised in Old S.No.48/1B and New S.No.55/1, situated at Avanampattu Village, Dindivanam Taluk, Villupuram District and grant Patta in the name of the petitioner.

For Petitioner : Mr.R.Raja Rajan

For Respondents : Mr.M.Murali
Government Advocate



O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the respondents to cancel the Patta in the name of the 5th respondent for the admeasuring 1 Acre 33 Cents out of 2 Acre 66 Cents comprised in Old S.No.48/1A, New S.No.20/1 and the property admeasuring 1 Acre 99 Cents comprised in Old S.No.48/1B and New S.No.55/1, situated at Avanampattu Village, Dindivanam Taluk, Villupuram District and grant Patta in the name of the petitioner.

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

3. Since no adverse order is being passed as against the 5th respondent, notice to the 5th respondent is dispensed with.

4. The case of the petitioner is that the petitioner has married to one Ragavan @ Ragu about 4 decades ago. Out of the said wedlock, they were blessed with 5 sons and 2 daughters. Thereafter, the petitioner's husband purchased the property situated Avanampattu Village and executed a Settlement Deed in favour of the petitioner on 18.07.2005 and the petitioner's husband also purchased another property in Avanampattu village, by virtue of registered Sale Deed on 08.08.1983 and the petitioner and her husband are the sole and absolute owners of the properties and continued to be in possession and enjoyment of the same. Thereafter, the petitioner's husband and most of the family members left the village to Andhra Pradesh to eke out their livelihood. The Petitioner's husband also disappeared in mysterious circumstances in the year 2017. Thereafter, they also lodged a police complaint before the Inspector of Police, Naidupet Police Station, Nellore District, which is registered as Crime No.251/2018 as a missing case. Till date the petitioner's husband was not traced. Taking advantage of the absence of the petitioner and her family members in possession of the property, the 5th respondent had stealthily approached the Village Administrative Officers and other respondents and mutated the Revenue Records without any document. Thereafter, the petitioner made an application before the 3rd and 4th respondents, on 21.10.2021, to cancel the Patta illegally granted in favour of the 5th respondent. However, till date no orders have been passed. Hence, this writ petition is filed with the above said prayer.

5. The learned counsel for the petitioner submitted that it would suffice if this Court issue a direction to the 4th



respondent to consider petitioner's representation dated 21.10.2021, and pass orders within a reasonable time that may be fixed by this Court.

6. The learned Government Advocate appearing on behalf of the respondents submitted that the petitioner's representation dated 21.10.2021, will be considered by the respondents within a reasonable time that may be fixed by this Court.

7. This Court, without going into the merits of the case, directed the 4th respondent to consider the petitioner's representation dated 21.10.2021, and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to the petitioner and to the aggrieved parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

Psa

To

1. The District Collector,
Villupuram,Villupuram District.
2. The District Revenue Officer,
Villupuram, Villupuram District.
3. The Revenue Divisional Officer,
Dindivanam,Villupuram District.
4. The Tahsildar,
Dindivanam,Villupuram District.

+1cc to Mr.R.Rajarajan, Advocate, S.R.No.20690

+1cc to the Government Pleader, S.R.No.21373

W.P. No.6978 of 2022

SPD(CO)
RGA(05/04/2022)