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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11436 of 2022

Suguna

...Petitioner

Vs.

1. The District Collector,
Dharmapuri District.
2. The District Revenue Officer,
Dharmapuri District.
3. The Revenue Divisional Officer,
Dharmapuri District.
4. The Tahsildar,
Karimangalam Taluk,
Dharmapuri District.
5. The Village Administrative Officer,
Kambainallur Panchayat,
Dharmapuri District.
6. Poovizhi
7. Akila

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to dispose of petitioner's application dated 10.02.2022 to restore the petitioner's father name in the patta and take action against the revenue officials who are involved in this illegal patta transfer.

For Petitioner : Mr.Krishnasamy Chinnasamy

For Respondents : Mr.R.P.Murugan Raja, GA, for R1 to R5

O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus to direct the 3rd respondent to consider the petitioner's representation dated 10.02.2022, dispose of the same and a consequential direction to take action against the



revenue officials involved in this illegal patta transfer.

2. Learned Government Advocate takes notice on behalf of the respondents 1 to 5. In view of the consent expressed by the learned counsel on either side, this petition is taken up for final disposal.

3. Since, no adverse orders have been passed against the private respondents, notice to the private respondents is dispensed with.

4. The case of the petitioner is that, the disputed lands comprised in Survey.Nos.212/1 & 260/2 measuring an extent of 14.37 Acres and 1.41 Acres respectively, situated at Kambainallur Panchayat, Karimangalam, Dharmapuri District originally belonged to her father viz., Late Shanmugam and patta in respect of the above said lands was also issued in his favour in Patta No.208. While so, the petitioner's parents died on 03.03.1996, leaving behind their six children including the petitioner as their legal heirs. Further, the petitioner's father mortgaged the subject property in Co-operative Bank to avail agricultural loan, during his lifetime. While such being the case, the patta in respect of the subject property was transferred in the name of one Akila / wife of the petitioner's brother, by the respondents, vide proceedings dated 25.02.2019 in Na.Ka.2019/0103/05/075012TR. Immediately thereafter, the petitioner made a representation dated 10.02.2022 before the respondents herein, seeking to restore the patta in respect of the above said lands in the name of the petitioner's father and to take action against the revenue officials who were involved in the said illegal patta transfer, however, till date, no orders have been passed on the same. Hence, this Writ petition.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 3rd respondent to consider the petitioner's representation dated 10.02.2022 and restore the patta in the name of the petitioner's father as expeditiously as possible.

6. Learned Government Advocate appearing on behalf of the respondents 1 to 5 has no serious objection for the said order being passed and he fairly submitted that the petitioner's representation dated 10.02.2022 will be considered and appropriate orders will be passed in accordance with law within the time frame that may be stipulated by this Court.

7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs, the 4th respondent to consider the petitioner's representation dated



10.02.2022 on merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording opportunity of hearing to the petitioner as well as the private respondent.

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8. This writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

skt

To

1. The District Collector,
Dharmapuri District.
2. The District Revenue Officer,
Dharmapuri District.
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Dharmapuri District.
4. The Tahsildar,
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Dharmapuri District.
5. The Village Administrative Officer,
Kambainallur Panchayat,
Dharmapuri District.

+1cc to the Government Pleader, S.R.No.33069

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MG (CO)
CT/20/06/2022