



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.11329 OF 2022

AND

W.M.P.NO.10866 OF 2022

K.C.Radha

... Petitioner

vs.

1. The Thasildar,
Office of Thasildhar,
Omalur, Salem District.
2. The Zonal Deputy Thasildar,
Omalur, Salem District.
3. Saraswathi
4. Radhakrishnan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 and 2 to consider the objections to the representation of the 3rd respondent dated 08.03.2019 and legal notice, issued by the petitioner herein dated 15.07.



2. Since no adverse order has been passed against the private respondents, namely the third and fourth respondents, notice to them is dispensed with.

3. The case of the petitioner is that she purchased the property in S.F.No.153/2 and 153/4, situated in Sellapillai Kuttai Village, Omalur Taluk, Salem District, of an extent of 3.47 ¼ acres from one Kandasamy and Rajalakshmi, vide Sale Deed dated 30.10.1996. Thereafter, petitioner is in possession and enjoyment of the said property. While that being so, the private respondents, namely third and fourth respondents, claiming title of the said property, filed a suit in O.S.No.326 of 2004 for declaration and permanent injunction on the file of the Additional District Judge, Fast Track Court II, Salem and the said suit was decreed, vide Judgment dated 16.12.2006 in favour of the third and fourth respondents, as against which the petitioner herein being the seventh defendant in the said Suit preferred an Appeal before this Court in A.S.No.1075 of 2007. This Court vide Judgment dated 30.04.2013, allowed the Appeal and set aside the decree dated 16.12.2006, granted by the Trial Court in O.S.No.326 of 2004. Subsequent to the disposal of the above Appeal, the third and fourth respondents made a representation dated 08.03.2019 before the first respondent to cancel the Patta which stood in favour of the petitioner herein and to issue fresh Patta in favour of the third and fourth respondents. Suppressing the above facts, the third respondent filed a Writ Petition before this Court in W.P.No.6836 of 2020 to consider his representation dated 08.03.2019. This Court, vide order dated 17.03.2020 issued direction to the second respondent therein, to consider the representation of the petitioner therein, dated 08.03.2019, within a period of six weeks and pass order on merits and in accordance with law and subsequently directed the petitioner therein to make fresh representation to the second respondent / Tahsildar, pursuant to which, the petitioner herein made representation and legal notice before the first and second respondents on 15.



5. The learned Special Government Pleader appearing for respondents 1 and 2 has no objection for said order being passed.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. Taking into consideration the factual aspects of the matter, this Court, without going into the merits of the case, directs the first and second respondents to consider the representation and legal notice of the petitioner as well as the third respondent dated 15.07.2020, 29.07.2020 and 08.03.2019, respectively as directed by this Court in earlier Writ Petition, in W.P.No.6836 of 2020 vide order dated 17.03.2020 and conduct enquiry and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as private respondents namely respondents 3 and 4, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above observations and direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Thasildar,
Office of Thasildhar,
Omalur, Salem District.
2. The Zonal Deputy Thasildar,