



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.2917 of 2022

WEB COPY

1.A.Gunasundari

2.Renuga

... Petitioners

Vs.

1.The Sub-Collector,
Revenue Divisional Officer Office,
Thamaraikulam,
Periyakulam,
Theni District.

2.The Tahsildar,
Theni Taluk,
Theni - 625 531.

3.Assistant Director,
District Town Planning Office,
Theni District,
Door. No.446/A, 17th Ward,
Nethaji Street, Allinagaram,
Theni - 625 531.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first and second respondents to dispose of the first respondent memo dated 10.08.2021 in Na.Ka.No.6351/2020/Aa3 within a stipulated time that may be fixed by this Court.

For Petitioners : Mr.A.Jeyaram

For Respondents : Mr.T.Amjad Khan

Government Advocate

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first and second respondents to dispose of the first respondent's memo dated 10.08.2021 within a time frame to be fixed by this Court.

2.The petitioners claim that they are the absolute owners of the property measuring an extent of 2 acres in Survey No.371/2, Koduvilarpatti Revenue Village, Theni Taluk, Theni District, having inherited the same from their mother Mrs.Aandalammal who got title through an assignment patta issued by the Government of Tamil Nadu



vide order dated 25.02.1970 in DKT No.1141/1980 and memo issued by the Zonal Deputy Tahsildar, Theni.

3. According to the petitioners, in the year 1982, patta was issued in favour of their mother Mrs. Aandalammal for the said property and also recorded in the 'A' Register. Earlier their mother was cultivating the crops and thereafter she executed the gift settlement deed registered as Document No. 776 of 2008 dated 07.02.2008 in favour of the petitioners. According to the petitioners ever since the gift settlement deed dated 07.02.2008 was executed, they are in possession and enjoyment of the said property. According to them, now the land has become a dry land due to scarcity of water and it is not feasible for agriculture. In such circumstances, the petitioners have submitted an application for approval of housing plots and the same was taken into consideration by the third respondent. The third respondent has sent a letter in his proceedings dated 29.10.2020 along with documents to the second respondent for remarks in respect of the petitioners' request. Since there was no response from the second respondent for the third respondent's letter dated 29.10.2020, the first respondent has sent a letter to the second respondent asking for remarks in respect of the petitioners' request.

4. The second respondent has sent a reply with no specific remarks to the first respondent vide letter dated 26.04.2021. Then the first respondent sent a memo dated 10.08.2021 in his proceedings to the second respondent calling upon him to hold spot visit and submit a report. According to the petitioners, despite the memo dated 10.08.2021 issued by the first respondent, the second respondent has not conducted any spot visit till date over the petitioners' property. In such circumstances, this writ petition has been filed seeking early disposal of the first respondent's memo dated 10.08.2021 to the second respondent requesting the second respondent to hold spot visit over the petitioners' property to enable the petitioners to get approval.

5. Heard Mr. A. Jeyaram, learned Counsel for the petitioners and Mr. T. Amjad Khan, learned Government Advocate who accepts notice for the respondents.

6. On instructions, learned Government Advocate would submit that the second respondent is prepared to consider the memo issued by the first respondent with regard to the petitioners' application seeking for approval of housing plots for their property within a time frame to be fixed by this Court.

7. The memo has been issued on 10.08.2021 by the first respondent requesting the second respondent to carry out spot inspection in the petitioners' property. No prejudice would be caused to the respondents if the memo requesting the second



respondent to carry out spot inspection over the petitioners' property is considered on merits and orders passed within a time frame to be fixed by this Court.

8. Accordingly, this Court directs the second respondent to consider the memo issued by the first respondent requesting the second respondent to carry out spot inspection with regard to the petitioners' property measuring 2 acres in Survey No.371/2, Koduvilarpatti Revenue Village, Theni Taluk, Theni District and pass final orders on merits and in accordance with law within a period of one [1] month from the date of receipt of a copy of this order.

9. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

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 Sub-Collector,
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Thamaraikulam, Periyakulam,
Theni District.

2. The Tahsildar,
Theni Taluk, Theni - 625 531.

3. Assistant Director,
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+1 CC to M/s.A.JEYARAM, Advocate (SR-6068[F] dated 14/02/2022)

+1 CC to M/s.SPL GP (SR-6175[F] dated 15/02/2022)

ORDER MADE IN

W.P. [MD]No.2917 of 2022

14.02.2022