



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.3851 of 2022

M.Gobinathan

.. Petitioner

Vs

1.The District Collector,
Trichy.

2.The Revenue Divisional Officer,
Musiri, Trichy District.

3.The Tahsildar,
Taluk Office,
Thuraiyur Taluk,
Trichy District.

4.The Village Administrative Officer,
Adhanur Village,
Thuraiyur Taluk,
Trichy District.

5.Kayalvizhi

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to take appropriate action against the 5th respondent by conducting an enquiry by considering the representation, dated 23.12.2021, within a period that may be stipulated by this Court.

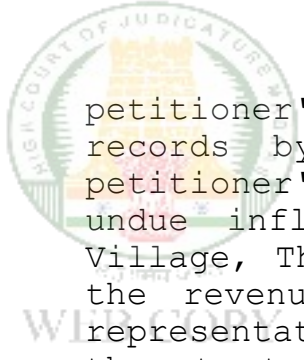
For Petitioner : Mr.N.Mohan

For Respondents : Mr.M.Lingadurai for R1 to R4
Special Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 3 to take appropriate action against the fifth respondent by conducting enquiry, by considering the petitioner's representation, dated 23.12.2021, within a time frame to be fixed by this Court.

2.It is the case of the petitioner that he is the absolute owner of the property in S.No.11/56, Old S.No.11/1, in Adhanur Village, Thuraiyur Taluk,Trichy District, measuring 0.00.44 Sq. metres, having inherited the same from his grandfather P.Andi. According to him, he has also obtained a patta in his name in Patta No.678. It is also the case of the petitioner that he has been paying the house tax from 2010 onwards. According to the petitioner, the fifth respondent, who is his cousin, is attempting to cancel the



petitioner's patta and she has also made an entry in the revenue records by including the name of her father along with the petitioner's grandfather. According to the petitioner, using her undue influence as a Village Administrative Officer of Vannadu Village, Thuraiyur Taluk, Trichy District, she has made an entry in the revenue records, fraudulently. The petitioner has given a representation to the respondents 1 to 3 on 23.12.2021, requesting them to take action against the fifth respondent, after conducting an enquiry for the alleged fraudulent act committed by the fifth respondent by making entries in the revenue records as stated supra. Since the representation has not been considered till date, he has filed this writ petition.

3. Heard Mr.N.Mohan, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 4.

4. The petitioner has produced the settlement deed, dated 05.03.2010, standing in his name and the patta No.678 standing in his name. It is his case that the fifth respondent has no right over the property, but fraudulently using her undue influence, she has made entries in the revenue records to include the name of the fifth respondent's father along with the petitioner's grandfather in the revenue records.

5. No prejudice will be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the fifth respondent, within a time frame to be fixed by this Court.

6. Accordingly, this Court directs the first respondent to consider the petitioner's representation, dated 23.12.2021, requesting the first respondent to take action against the fifth respondent for the alleged act of the fifth respondent in making entries in the revenue records for the property owned by the petitioner and pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner and the fifth respondent.

7. With the aforesaid directions, this writ petition is disposed of. No costs.

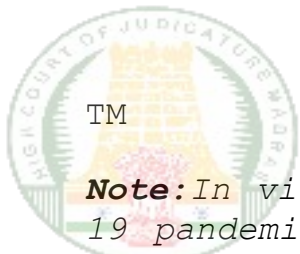
Sd/-

Deputy Registrar (A/c's)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



TM

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 District Collector,
Trichy.
- 2.The Revenue Divisional Officer,
Musiri, Trichy District.
- 3.The Tahsildar,
Taluk Office,
Thuraiyur Taluk,
Trichy District.
- 4.The Village Administrative Officer,
Adhanur Village,
Thuraiyur Taluk,
Trichy District.

+1 CC to M/s.SPL GP (SR-10208[F] dated 04/03/2022)

W.P. (MD)No.3851 of 2022
02.03.2022

KS (CO)
KB(17.03.2022) 3P 6C