



W.P.(MD)No.22449 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.09.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.22449 of 2022

P.Rajagiri

.. Petitioner

Versus

1.The Revenue Divisional Officer,
Sivagangai Revenue,
Sivagangai District.

2.The Tahsildar,
Sivagangai Taluk Office,
Sivagangai,
Sivagangai District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the second respondent to place the report to complete the enquiry as per the direction of the first respondent in Om.Mu.(a3)/8660/2019/dated 19.12.2019 to change the name the petitioner's father instead of Pillapan, S/o.Athinamilagi as Palaniyappan, S/o.Athinamilagi in respect of Joint Patta No.1430, in Survey No.376/8, situated at Pageneri Village, Sivagangai District, by considering the petitioner's representation, dated 28.11.2019.

For Petitioner	:	Mr.S.Rabeek Raja
For Respondents	:	Mr.C.Satheesh Government Advocate



W.P.(MD)No.22449 of 2022

ORDER

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The petitioner has prayed for issuance of a Writ of Mandamus, to direct the second respondent to place the report to complete the enquiry as per the direction of the first respondent in Om.Mu.(a3)/8660/2019/dated 19.12.2019, to change his father's name instead of Pillapan, S/o.Athinamilagi as Palaniyappan, S/o.Athinamilagi in respect of Joint Patta No.1430, in Survey No.376/8, situated at Pageneri Village, Sivagangai District, by considering his representation, dated 28.11.2019.

2.Heard Mr.S.Rabeek Raja, learned counsel appearing for the petitioner and Mr.C.Satheesh, learned Government Advocate, who takes notice for the respondents. By consent of learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The learned counsel appearing for the petitioner submits that the petitioner's original father's name is Pillapan and mother's name is Sivakami. He was adopted with the consent of his natural parents by one Palaniyappan @ Subbiah and his wife Valliyammai @ Ramayi through a registered adopted deed in Document No.4-15/1986, dated 10.01.1986. From the said date onwards, the petitioner was in the custody and care of the said Palaniyappan @ Subbiah and his wife Valliyammai @ Ramayi. In the said circumstances,



W.P.(MD)No.22449 of 2022

Ramayi died on 26.09.1995, leaving behind the petitioner as their legal heir.

The petitioner approached the authorities to issue legal heirship certificate, but the authorities failed to issue legal heirship certificate and directed the petitioner to approach the civil court. Hence, the petitioner filed a suit in O.S.No.66 of 2021 before the District Munsif Court, Sivagangai District, to declare him as the legal heir of the said Palaniyappan. The Court allowed the petitioner's petition and declared him as the legal heir of the said Palaniyappan, S/o.Athinamilagi. As per the settlement 'A' Register, the property bearing S.No.376/8, Patta No.203, belongs to the petitioner's father Palaniyappan and four others. After sub-division of the said lands, joint Patta No.1430 was issued by the official respondents. In the said joint Patta, Chitta and 'A' Register copy, the petitioner's father's name viz., Palaniyappan, S/o.Athinamilagi, was wrongly mentioned as Pillapan, S/o.Athinamilagi. After knowing the same, the petitioner approached the authorities concerned to rectify the said mistake and also made several representations. Finally, he sent a representation to the first respondent on 28.11.2019. On 19.12.2019 the first respondent directed the second respondent to take action on the petitioner's representation. However, the second respondent has not taken any action so far. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.



W.P.(MD)No.22449 of 2022

4. According to the petitioner, in the joint Patta, Chitta and 'A' Register copy, the petitioner's father's name viz., Palaniyappan, S/o.Athinamilagi, was wrongly mentioned as Pillapan, S/o.Athinamilagi and the said Pillapan is none other than the natural father of the petitioner. Though the petitioner has made several representations and finally, on 28.11.2019 to the first respondent and the first respondent directed the second respondent to take action on the petitioner's representation, so far no action has been taken.

5. Considering the long pendency of the representation of the petitioner, this Court, without going into the merits of the case, directs the respondents to hold an enquiry in respect of the petitioner's representation, dated 28.11.2019, and pass appropriate orders on merits and in accordance with law after providing an opportunity of hearing to the petitioner and other necessary parties, if any, within a period of one week from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of with the above direction. No costs.

Index : Yes/No

23.09.2022



W.P.(MD)No.22449 of 2022

To

WEB COPY

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W.P.(MD)No.22449 of 2022

V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P.(MD) No.22449 of 2022