



W.P.(MD)No.22576 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.09.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.22576 of 2022

V.Thulasiammal

.. Petitioner

Versus

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sankarankovil,
Tenkasi District.

2.The Tahsildar,
Office of the Tahsildar,
Thiruvankadam Taluk,
Tenkasi District.

3.The Taluk Surveyor,
Office of the Surveyor,
Tahsildar Office Campus,
Thiruvankadam Taluk,
Tenkasi District.

4.Karuppayee, W/o.Madasamy (late)

5.Radhakrishnan, S/o.Madasamy (late)

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to dispose the appeal in O.Mu.A2/5001/2021, filed by the petitioner on 01.11.2021 in a time bound manner.

For Petitioner

:

Mr.J.Vijayan



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For Respondents 1 to 3 : Mr.N.Ramesh Arumugam
Government Advocate

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ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, to direct the first respondent to dispose the appeal in O.Mu.A2/5001/2021, filed by him on 01.11.2021 in a time bound manner.

2.According to the petitioner, her husband namely, Velusamy, who died during the year 1988, was in possession and enjoyment of the ancestral property belonging to his grandfather, namely, Muthu Rakkan, comprised in S.No.1086/15A, measuring an extent of 21 cents. After the demise of her husband, the petitioner obtained legal heirship certificate and approached the revenue authorities in the year 1990 to include her name in the revenue records in respect of the above said survey number. However, they wrongly added her name in S.No.1086/13A instead of S.No.1086/15A. On verification of the revenue records, it is seen that the third respondent's name, who is the sister of her husband has been erroneously entered in Patta No.486, which pertains to the said survey number. After noticing the said erroneous entry, the petitioner preferred an appeal before the Revenue Divisional Officer, Tirunelveli, on 09.01.2018 in O.Mu.Aa/193/2018, requesting to remove the name of the third respondent and restore the name of her husband or her name. The said appeal



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was forwarded to the Tahsildar, Sankarankovil, for enquiry and further action.

During such period, there was bifurcation of Tirunelveli District. Therefore, the petitioner's appeal was forwarded for necessary action to the second respondent herein and thereupon, summons were issued to the concerned parties for enquiry. Even though there were no written orders or proceedings from any authorities, only on the basis of some oral statement of the fourth respondent's ancestors, her name has been entered in the property belonging to the petitioner's husband and she also got Patta from the revenue officials.

3.In the above said circumstances, the petitioner sent a detailed representation on 05.10.2020 to the Sub Registrar, Kalugumalai, explaining all the above facts and requested him not to entertain or register any documents in respect of the property in S.No.1086/15A, situated at West Alagunatchiyapuram Village and Post, Kuruvikulam Via, Thiruvankadam Taluk, Tenkasi District. While so, the fourth respondent has executed a settlement deed on 04.08.2021 in favour of the fifth respondent, which was also registered by second respondent, vide Document No.1893 of 2021. During the pendency of the appeal preferred by the petitioner before the statutory authorities and also during the pendency of her objections before the Sub-Registrar Kalugumalai, the settlement deed executed by the fourth respondent in favour of the fifth respondent was registered by him.



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Immediately, he sent a representation dated 28.09.2021 to the third respondent not to issue a Patta/Chitta in favour of the fourth respondent, but, the third respondent without conducting proper enquiry, included the name of the fifth respondent in the Chitta. The petitioner filed an application on 01.11.2021 before the first respondent to cancel the Patta/remove the name of the respondents 4 and 5 in respect of the subject property in the revenue records. The said appeal was forwarded to the second respondent for conducting enquiry, vide proceedings in O.Mu.A2/5001/2021, dated 11.11.2021. Even after repeated requests, the second respondent did not pass any order on the petitioner's appeal. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

4.The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the petitioner's appeal will be disposed of on merits and in accordance with law, within a time frame.

5.In view of the above said submission, this Court, without going into the merits of the matter, directs the first respondent to consider the petitioner's appeal, dated 01.11.2021, and dispose of the same on merits and in accordance with law, after affording an opportunity of hearing to all the parties concerned, within a period of 16 weeks from the date of receipt of a copy of this order.



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6.This Writ Petition is disposed of accordingly. No costs.

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V.BHAVANI SUBBAROYAN, J.

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Order made in
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