



W.P.(MD)No.24516 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.10.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.24516 of 2022

S.Vasanth

... Petitioner

Versus

1.The District Collector,
Madurai.

2.The Revenue Divisional Officer,
Madurai.

3.The Tahsildar,
Thirumangalam,
Madurai.

4.R.Anuradha

... Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the second respondent to dispose of the representation of the petitioner dated 15.07.2021 followed by reminder dated 06.10.2022.

For Petitioner	:	Mr.S.Vijaykumar
For R1 to R3	:	Mr.D.Gandhiraj
		Special Government Pleader



W.P.(MD)No.24516 of 2022

WEB COPY

ORDER

This petition has been filed by the petitioner seeking issuance of a Writ of Mandamus, to direct the second respondent to dispose of the representation of the petitioner, dated 15.07.2021 followed by a reminder, dated 06.10.2022.

2.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself. Since no adverse order is going to be passed against the fourth respondent, notice to her is dispensed with.

3.Heard the learned counsel appearing on either side.

4.It is the contention of the petitioner that the petitioner is the owner of the property in S.No.4/1, Karadipatti Village, Madurai West, Madurai and he is in absolute possession and enjoyment of the property ever since the date of purchase. While so, in the year 2011, the petitioner noticed that certain anti-social elements encroached her property by fabricating the revenue records and patta was also issued in the name of the fourth respondent. Hence, the petitioner filed a suit in O.S.No.318 of 2012 before the Sub Court, Madurai and the same was transferred, subsequently to the Sub Court, Thirumangalam and renumbered as O.S.No.65 of 2017. On 31.01.2018, the said suit came to be dismissed. Challenging the same, A.S.No.38 of 2018 has been filed by the



W.P.(MD)No.24516 of 2022

petitioner before the learned II Additional District Judge, Madurai and the same was allowed in favour of the petitioner. Challenging the same, S.A. (MD)No.128 of 2022 has been filed before this Court and the same is pending. Since no stay order has been passed in the Second Appeal, the petitioner has made a representation to the second respondent, seeking cancellation of patta issued in favour of the fourth respondent. Since no action has been taken by the second respondent, the petitioner has filed the present Writ Petition.

5.The learned Special Government Pleader appearing for the respondents would submit that the subject matter of the property is now under the control of the Revenue Divisional Officer, Thirumangalam and hence, the petitioner may be directed to forward her representation to the Revenue Divisional Officer, Thirumangalam.

6.The learned counsel appearing for the petitioner would submit that it would suffice, if a direction is issued to the Revenue Divisional Officer, Thirumangalam to consider the petitioner's representation, dated 15.07.2021.

7.Considering the above said submissions, this Court, without expressing any opinion on the merits of the matter, directs the petitioner to forward her representation dated 15.07.2021 to the Revenue Divisional



W.P.(MD)No.24516 of 2022

Officer, Thirumangalam. The Revenue Divisional Officer, Thirumangalam, is directed to consider the same and pass appropriate orders after issuing notice to the necessary parties, within a period of sixteen (16) weeks thereof.

8. With the above direction, this Writ Petition is disposed of. No costs.

28.10.2022

Index : Yes/No
Rmk

To

1. The District Collector,
Madurai.
2. The Revenue Divisional Officer,
Madurai.
3. The Tahsildar,
Thirumangalam,
Madurai.



WEB COPY



W.P.(MD)No.24516 of 2022

V.BHAVANI SUBBAROYAN, J.

Rmk

Order made in
W.P.(MD) No.24516 of 2022

28.10.2022