



W.P.(MD)No.25067 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.11.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.25067 of 2022

Vasantha, W/o.Late. Meiyananmoorthy

.. Petitioner

Versus

- 1.The District Collector,
Sivagangai District.
- 2.The District Revenue Officer,
Sivagangai District.
- 3.The Revenue Divisional Officer,
Sivagangai District.
- 4.The Special Tahsildar,
Under UDR Scheme,
Sivagangai District.
- 5.The Tahsildar,
Kalayarkovil Taluk,
Sivagangai District.
- 6.The Village Administrative Officer,
Vaniyankudi Group,
Kalayarkovil Taluk,
Sivagangai District.
- 7.Veerappan
- 8.Chellakannu

.. 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



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consider the petitioner's representation dated 18.09.2022, within a time frame that may be stipulated by this Court, and also direct the second respondent to cancel the joint Patta in Patta No.1638 and to restore the original joint Patta in Patta No.158 in favour of the petitioner's predecessors of Meiyakone son's namely, Posalakonar and Erulakonar, regarding the ancestral property in Survey No.233/1, situated at Sengullipatti Village, Vanniyankudi Revenue Village, Kalayarkovil Taluk, and Sivagangai District on the basis of the judgment dated 23.03.2022, passed by the Sub-Court, Sivagangai, in A.S.No. 58 of 2018 and S.L.R. copy issued by the first respondent Office.

For Petitioner : Mr.R.Udhayakumar
For Respondents 1 to 6 : Mr.C.Satheesh
Government Advocate

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, to direct the second respondent to consider her representation dated 18.09.2022, within a time frame that may be stipulated by this Court, and to direct the second respondent to cancel the joint Patta in Patta No.1638 and to restore the original joint Patta in Patta No.158 in favour of the petitioner's predecessors, namely, Posalakonar and Erulakonar, who are the sons of Meiyakone, regarding the ancestral property in Survey No.233/1, situated at Sengullipatti Village, Vanniyankudi Revenue Village, Kalayarkovil Taluk, and Sivagangai District on the basis of the judgment and decree, dated 23.03.2022, passed in A.S.No. 58 of 2018, by the Sub-Court, Sivagangai, and S.L.R. copy issued by the first respondent.



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2. According to the petitioner, the property bearing S.No.233/1, measuring an extent of 1 Hectare and 4.50 Ares, situated at Sengullipatti Village, Vanniyankudi Revenue Village, Kalayarkovil Taluk, Sivagangai District, is her husband's ancestral property. Patta No.158 was issued in favour of the sons of Meiyakone, namely, Pusalakonar, who is the father of the petitioner's husband and one Erulakonar. After the demise of the petitioner's husband, the adjacent land owners namely, Sundaram, S/o.Karuppaiah and Vellalai, S/o.Palani, using their power, included their names in the joint Patta No.1011. Thereafter, the names of Veerappan and Chellakannu, S/o.Karuappaiah Konar were included in the UDR Scheme joint Patta in Patta No.1101. Thereafter, the legal heirs of Sundaram and Vellalai, namely, Arumugam, Pandi and Shanmugam have preferred application against Veerappan and Chellakannu before the third respondent. The third respondent without verifying the original revenue records and without issuing notice to the legal heirs of Pusalakonar and Erulakonar, refused the application in favour of Veerappan and confirmed UDR Scheme joint Patta, including the name of the said Veerappan. Thereafter, the second respondent, without any notice to the petitioner, passed an order and removed the name of Sundaram, S/o.Karuppaiah and Vellalai, S/o.Palani and included the name of the said Veerappan in Joint Patta No.1638. Hence, the legal heirs of the said Sundaram and Vellalai filed a suit in O.S.No.192 of 2013 before the District Munsif



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Court, Sivagangai, for declaration and permanent injunction, against Veerappan, Chellakannu, the petitioner herein and her sons, namely, Kannan, Raja and Soman. The said suit was dismissed on 14.12.2017. Aggrieved over the same, the said Arumugam, Pandi and Shanmugam filed A.S.No.58 of 2018 before the Sub-Court, Sivagangai, against Veerappan, Chellakannu, the petitioner herein and her sons. The Sub-Court, Sivagangai, vide judgment and decree, dated 23.03.2022, while confirming the judgment and decree, dated 14.12.2017, passed in O.S.No.192 of 2013, held that the property belonged to the descendants of Erulakonar and Posalakonar.

3. Further, according to the petitioner, on 16.09.2022, the said Veerappan and Chellakannu attempted to trespass into her property. Her Advocate has colluded with the said Veerappan and purposefully not filed Vakalat on the petitioner's side and set her and her sons *ex-parte*. The respondents 7 and 8 attempted to grab the land and also attempted to misuse the judgment and decree, dated 23.03.2022, passed in A.S.No.58 of 2018. Hence, the petitioner sent a representation dated 18.09.2022 to the respondents 1 to 3, 5 and 6 and other official respondents, seeking joint Patta in favour of Posalakonar and Erulakonar, on the basis of the judgment, dated 23.03.2022, passed in A.S.No.58 of 2018. However, no steps have been taken so far. Hence, the petitioner has approached this Court by way of filing the present

<https://www.mhc.trn.gov.in/judis> Writ Petition for the relief stated supra.



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4. The learned Government Advocate appearing for the respondents 1 to 6 submitted that the petitioner's representation dated 18.09.2022, would be considered and appropriate orders would be passed on merits and in accordance with law within a time frame.

5. Recording the aforesaid submission made by the learned Government Advocate appearing for the respondents 1 to 6, this Court, without going into the merits of the case, directs the second respondent to consider the representation of the petitioner, dated 18.09.2022, and pass appropriate orders on merits and in accordance with law after providing an opportunity of hearing to all the necessary parties concerned, within a period of 16 weeks from the date of receipt of a copy of this order.

6. This Writ Petition stands disposed of with the above direction.

No costs.

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V.BHAVANI SUBBAROYAN, J.

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