



W.P.No.10585 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.10585 of 2019

K.Asokan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
B-Block, Fourth Floor,
Collector Office, Sathuvachari,
Vellore District.

2.The Thasildar,
Taluk Office, Gudiyatham,
Vellore District.

3.Buddammal

4.Sekar

5.Ramesh

6.Soundharaj

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the first respondent to consider and act on the petitioner representation dated 25.01.2019 expeditiously in accordance with law.



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For Petitioner : Mr.P.Vasanth

For Respondents :

For R1 and R2 : M/s.M.Jayanthy
Additional Government Pleader

For R3, R5 and R6 : No appearance

For R4 : Mr.D.Ashok Kumar

ORDER

This Writ Petition has been filed seeking for issuance of a mandamus, to direct the first respondent to consider and act on the petitioner representation dated 25.01.2019.

2. The brief facts of the case are under:-

2.1. According to the petitioner, his grandfather Late Mottai Gounder was the original owner of the land bearing Patta No.1349, comprised in S.No.342/2A measuring to an extent of 16 cents (0.6.50 Hectare) situated at Kallapadi Village, Gudiyatham Taluk, Vellore District. After the demise of Late Mottai Gounder, his three sons namely Duraisamy Gounder, Krishna Gounder and Kannappa Gounder became the original owners of the above said land and the Patta, Chitta, Adangal etc., stood in their names. The said Duraisamy Gounder and Krishna Gounder were unmarried and died intestate without any



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issues. After the demise of his brothers on 22.01.1960 and on 12.12.1965, the petitioner's father Kannappa Gounder, had succeeded the property. Later, the petitioner's father died on 06.09.2016 leaving behind his legal heirs. While so, being the legal heirs, when the petitioner along with her sisters sought for mutation of the records, to their shock and surprise, they came to know that names of the third to sixth respondents are included in Patta. Immediately, the petitioner approached the second respondent sought for explanation.

2.2. According to the petitioner, since no explanation was given by the second respondent, the petitioner by his Letter dated 30.11.2018, sought for particulars under the Right to Information (RTI) Act, 2005. By then, the second respondent in reply dated 04.12.2018, stated that based on Doc.No.285/88, the third to sixth respondents names were included. Thereafter, the petitioner has made search in the Registrar Office about the documents referred to in the reply. On such search, the petitioner was informed that there is no such documents found in the encumbrance with reference to the property comprised in S.No.342/2A. Thereafter, the petitioner approached the second respondent, sought for particulars and copies of Doc.No.285/88, on the basis of which, the alleged mutation was done. The second respondent refused to furnish the same. The petitioner also made a written representation to the second respondent on



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31.12.2018, to remove the third to sixth respondents names in their Patta. Since

the second respondent failed to take any steps, the petitioner sent a representation to the first respondent on 25.01.2019. Though the first respondent had received the above said representation, no steps have been taken so far. However, since no response is forthcoming, the petitioner is constrained to approach this Court seeking for a direction to the first respondent. Hence the writ petition.

3. Learned counsel appearing for the petitioner submitted that the petitioner has given representation as early as 25.01.2019 to the first respondent and the same is not disposed of till date.

4. In view of the above submission made by the learned counsel appearing for the petitioner, the first respondent is directed to consider the representation dated 25.01.2019 of the petitioner by conducting a detail inquiry, after giving due notice to both parties, opportunity of personal hearing, to consider the documents submitted by both parties, on merits, in accordance with law and pass appropriate orders by observing the above principles of natural justice, within a period of eight weeks from the date of receipt of a copy of this order.



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WEB COPY 5. This Writ Petition is disposed of with the above observations and directions. No costs.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No

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To

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B-Block, Fourth Floor,
Collector Office, Sathuvachari,
Vellore District.

2.The Thasildar,
Taluk Office, Gudiyatham,
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J.SATHYA NARAYANA PRASAD, J.

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