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W.P.No.29419 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.29419 of 2019

Tmt.Sampoornam

... Petitioner

Vs.

1.The Revenue Divisional Officer
Mettur
Salem District.

2.The Tahsildar
Mettur
Salem District.

3.Ramanathan @ Ramanathampillai

4.M.Sampoornam

5.Surya Jothi

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 2nd Respondent to consider the representation of the Petitioner dated 4.7.19 and take action thereon with in a time frame that may be fixed.

For Petitioner : M/s.P.Navaneethakrishnnan

For Respondents : M/s.P.Satish, AGP
for R.1 & R.2
: M/s.T.Saikrishnan
for R.3 to R.5



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ORDER

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The writ petition is filed to direct the 2nd Respondent to consider the representation of the Petitioner dated 04.07.2019 and take action thereon with in a time frame that may be fixed.

2. It is the case of the petitioner that the lands comprised in S.No.240/1 and 235/1 of Kuttapatti Village, Mettur Taluk, Salem District originally belonged to her father, Duraisamy Pillai. The petitioner's father had six daughters through his 3rd wife, Pappayammal, namely, Ramanathammal, Lakshmiammal, Parvathammal, Janakiammal, Packiammal and Sampporanavalliammal @ Sampooranammal. On 02.11.1955, the petitioner's father Duraisamy Pillai had executed a will bequeathing his property in favour of his surviving daughters apart from providing for an unborn daughter by creating a life interest in favour of the his 3rd wife as well as his surviving daughters.

3. After the execution of the Will, the 7th daughter, Vimalammal was born to Duraisamy Pillai and his 3rd wife Pappayammal. The said Duraisamy Pillai had passed away in the year 1968 and the petitioner's mother, the 3rd wife of Duraisamy Pillai had passed away in the year 1970.



That apart, the eldest daughter of Duraisamy Pillai, namely, Ramanathammal predeceased her parents in the year 1958. Therefore, neither the Ramanathammal nor her legal heirs are entitled to succeed to the estate of the said Duraisamy Pillai.

4. It is the case of the petitioner that her husband has been cultivating the lands belonging to Duraisamy Pillai as a tenant and was paying rents to the remaining sisters. While so, one Jothilingam, the husband of the 3rd respondent herein and his brother Ramanathampillai who had no semblance or right to the property entered into a sale agreement with respect of the subject property. Therefore, the suit for declaration came to be filed by the petitioner and 3 of her sisters for declaration and injunction. against Jothilingam and Ramanathampillai. Two other daughters of Duraisamy Pillai, namely, Lakshmiammal and Janakiammal were arrayed as defendants 3 and 4 as they did not join with the petitioners for filing the suit. The said Jothilingam the son of the eldest sister of the petitioner, namely, Ramanthammal. and Ramanathampillai, the husband of the 3rd respondent herein were arrayed as defendants 1 and 2 respectively. The agreement holder was arrayed as the 5th defendant. The suit was decreed by judgement and decree dated 25.02.1994, declaring that the defendants 1 and 2 had no right or interest in the suit schedule property



and therefore they could not alienate the suit properties in favour of the 5th defendant. The judgement clearly held that it was the plaintiffs and defendants 3 and 4 who are entitled to the suit property. Thereafter, there was no further appeal against the said order and the same had attained finality. Meanwhile, the 3rd respondent, who is a retired revenue official, managed to get her name, her daughter's name, and her husband's brother Ramanathampillai's name included in the revenue records in respect of the subject survey numbers, contrary to the decree passed in O.S.No.754/1987. Against the said act of the 3rd respondent, a detailed representation dated 04.07.2019 had been sent by the petitioners to the 1st respondent which has not been considered to date. Therefore, the Writ Petition has been filed.

5. Heard the counsels on either side.

6. Considering the fact that the petitioners' right to the property has been declared by the judgement and decree dated 25.02.1994 passed in O.S.No.754/1987 and also considering that the petitioners' have given a representation to the 1st respondent herein to remove the name of the 3rd respondent, her daughter and one Ramanathampillay from the revenue records as early as on 04.07.2019, a mandamus is issued to the 2nd respondent to consider the representation of the petitioner dated



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04.07.2019 and pass orders in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is allowed. No costs.

12.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Revenue Divisional Officer
Mettur
Salem District.

2.The Tahsildar
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Salem District.



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P.T. ASHA. J.,

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