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W.P.No.32392 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.32392 of 2024

1. A.Arivazhagan
2. A.Elango
...Petitioners

Vs.

1. The District Collector,
O/o. Villupuram District,
Villupuram.
2. The Revenue Divisional Officer,
O/o. Tindivanam RDO,
Tindivanam, Villupuram District.
3. The Tahsildar,
Vikaravandi Taluk, Vikaravandi.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to consider and dispose the petitioners' representation made to the first respondent dated 30.05.2023.

For Petitioner : Mr.M.Prabhakar

For Respondents : Mr.A.Selvendran



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Special Government Pleader

ORDER

The petitioners herein seek a direction to the first respondent to consider their representation dated 30.05.2023.

2. By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

3. It is the case of the petitioner that 2.19 acres of land in survey No.49/6 and 1.67 acre in survey no.28 have been in possession and enjoyment of the petitioners' family for the past 60 years right from the date of petitioners' deceased father Arumugam. After death of the petitioners' father and mother, the petitioners and their brother Thamizharasan enjoying the property. Subsequently, the said Thamizhaasan also died on 23.10.2020. Therefore, the petitioner submitted an instant representation dated 30.05.2023 before the first respondent seeking issuance of joint patta in their name in respect of the property in their possession and to consider their representation and the same has not been considered till date. Therefore, the petitioner is before this Court.



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4. Mr.A.Selvendran, learned Special Government Pleader, who takes notice for the respondents would submit that the representation of the petitioner would be considered on its own merits and appropriate orders will be passed.

5. It is seen from the representation, the petitioners' brother Thamizhaasan, who was also in possession of the property died on 23.10.2020. It is not clear whether the said deceased Thamizhaasan has any Clause I legal heirs.

6. In view of the above submission made by the learned Special Government Pleader, without going into the merits of the claim made by the petitioner, this Court is inclined to issue a direction to the first respondent to consider the representation of the petitioner dated 30.05.2023 and pass final orders, on its own merits, after issuing notice to the petitioner and the legal heirs of deceased Thamizhaasan, if any, within a period of twelve weeks from the date of receipt of copy of this order.



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

30.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To

1. The District Collector,
O/o. Villupuram District,
Villupuram.
2. The Revenue Divisional Officer,
O/o. Tindivanam RDO,
Tindivanam, Villupuram District.
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S. SOUNTHAR, J.

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