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W.P.No.33991 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.33991 of 2024

and

W.M.P.No.36802 of 2024

1. Mrs.M.Jayapriya
2. Mrs.M.Punithapriya

... Petitioners

Vs.

1. The District Collector,
Coimbatore,
Office of the Collectorate Coimbatore,
Coimbatore – 641 018.
2. The Revenue Divisional Officer – South,
Office of the South Revenue Divisional Office,
State Bank Road,
Coimbatore – 641 018.
3. The Joint Director AD,
Survey & Record Office,
2nd Floor, District Collector Office,
Coimbatore – 641 018.
4. The Tahsildar South,
South Tahsildar Office,
Hosur Road,
Coimbatore.



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5. The Head Surveyor,
South Tahsildar Office,
Hosur Road,
Coimbatore – 641 018.

6. N.Vijaya

7. M.Devaraj

8. Mrs.M.Yesodha

9. M.Kannan

10. Mrs.Shanthi @ Santhamani

11. Mrs.J.Selvi

12. J.Abirami

13. J.Bharathi

14. Mrs.P.S.Janath Nisha

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the 1st and 2nd respondents to take action and cancel the TSLR.No.TR.No./2024/0172/027782/2024 dated 08.08.2024 Ward No.37, Block No.6 issued in favour of 9th and 10th Respondents on the basis of petitioners representation dated 26.09.2024.

For Petitioner : Mr.S.Venkatesh

For Respondents :

For R1 to R5 : Mr.A.Selvendran



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Special Government Pleader

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ORDER

Mr.A.Selvendran, learned Special Government Pleader takes notice on behalf of the Respondents 1 to 5.

2. The above Writ Petition has been filed for the following relief:-

“This Writ Petition has been filed for a Mandamus to direct the 1st and 2nd respondents to take action and cancel the TSLR.No.TR.No./2024/0172/027782/2024 dated 08.08.2024 Ward No.37, Block No.6 issued in favour of 9th and 10th Respondents on the basis of petitioners representation dated 26.09.2024.

3. In order to appreciate the grievance of the Petitioners, it is necessary to briefly set out the facts which clearly shows that the Respondents 6 to 11 who are the children of one Manickammal are continuously attempting by all means to some how enter into possession of the Petitioners property which is the subject matter of the present Writ Petition.

4. The Petitioners parents had jointly purchased the property in question under a registered Sale Deed bearing Document No.1224 of 1978



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from one Mr.S.Vamanan, who in turn had obtained the Property under a Settlement Deed dated 27.04.1954. In the year 2015, under a registered Settlement Deed dated 30.06.2015, the said property had been settled upon the Petitioners. It appears that during the purchase of the said property by the Petitioners parents, the mother of the Respondents 6 to 11 namely Manickammal was a tenant in respect of a small extent of 1400 sq.ft., consisting of two (2) houses and they refused to vacate the same. Therefore, the Petitioners parents had filed O.S.No.720 of 1994 on the file of the 1st Additional District Munsif Court, Coimbatore for a declaration and recovery of possession and the Suit was decreed in favour of the Petitioners parents. Subsequently, the said Manickammal had filed an appeal. Thereafter, the Petitioners parents had filed execution proceedings in E.P.No.52 of 2011 in O.S.No.720 of 1994 and had taken possession of the property and the execution proceedings was terminated in the year 2014. After the termination of the execution proceedings, the Petitioners parents had settled the property in favour of the Petitioners. Since the Respondents 6 to 11 attempted to dispose the Petitioners from the property, the Petitioners had filed W.P.No.16261 of 2015 seeking police protection. The said Writ Petition was disposed of with the direction that if the Respondents 6 to 11 threatens the



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Petitioners then the Petitioners shall take help from the jurisdictional police station and the concerned police officials shall given them police protection.

5. Thereafter, the Petitioners came forward with a contention that the said Manickammal had executed a Will in the year 2011 in favour of the Respondents 6 to 11 and on the basis of those Will, the Respondents 6 to 11 had created a Release Deed among themselves and had the same registered thereby creating encumbrance in the year 2019. The Petitioners on coming to know about the Will and Release Deed had immediately filed O.S.No.682 of 2019 to declare the Will and Release Deed as null and void and the Suit is pending on the final stage. Application was taken out by the 11th Respondent in I.A.No.7 of 2023 to appoint an Advocate Commissioner to find out the possession. The said I.A.No.7 of 2023 was dismissed. Thereafter, the Respondents 6 to 13 have executed a Sale Deed dated 16.09.2014 in favour of the 14th Respondent and a perusal of the Sale Deed it is seen that the 5th Respondent had issued TSLR Certificate in favour of Respondents 9 and 10. The Petitioners has not been called for any enquiry prior to the issue of this TSLR Certificate. Therefore, the Petitioners had given a representation on



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26.09.2024 to cancel the said TSLR Certificate issued to the Respondents 9 and 10 and the same has not been considered to date. Therefore, the Petitioners are before this Court.

6. Heard the learned counsel for the Petitioners and the learned Special Government Pleader for the Respondents.

7. The Writ Petition is being disposed of at the time of admission stage without notice to the Respondents 6 to 14 as the request is only to consider the representation of the Petitioner. In fine, the Writ Petition is allowed and a mandamus is issued to the Respondents 1 and 2 to consider the representation of the Petitioner dated 26.09.2024 for cancellation of the TSLR.No.TR.No./2024/0172/027782/2024 and after issuing notice to the Petitioners and the Respondents 6 to 14 and affording an opportunity of personal hearing, a speaking order should be passed. The said exercise shall be completed within a period of two (2) weeks from the date of receipt of a copy of this Order. No costs. Consequently, connected Miscellaneous Petition is closed.



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Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
rgm

To

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