



W.P(MD)No.21797 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P(MD)No.21797 of 2024

A.Victoria

... Petitioner

Vs.

1.The District Collector,
District Collectorate,
Dindigul.

2.The District Revenue Officer,
District Collectorate,
Dindigul.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Dindigul.

4.The Tahsildar,
Tahsildar Office,
Dindigul East,
Dindigul.

5.Gnanaprakasam

6.Selvamary

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation, dated 31.05.2024 within a stipulated period and pass such other or further orders as this Court.

For Petitioner : M/s.A.Ananthi

For R-1 to R-4 : Mr.B.Saravanan
Additional Government Pleader

ORDER

Seeking a Mandamus to the respondents to consider and pass orders on petitioner's representation, dated 31.05.2024, the petitioner before this Court.

2. It is her case that the property measuring an extent of 595 square feet in T.S.No.1259 at Bavanachavadi Ground, Mettupatty Therkoor, Dindigul belonged to one Santhiyagu. In the year 1944, he had sold the property to one Seethammal under a registered sale deed, dated 18.08.1944 and she in-turn had sold the property to one Arokiyammal under a registered sale deed, dated 04.07.1945. Thereafter, the said Arokiyammal had sold the property to Vedhamuthu under a registered sale deed, dated 22.10.1948 and he continued in possession of the property till the year 1979, when he sold the property to



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Antonyasamy, the petitioner's husband under a registered sale deed, dated 28.11.1979. Under registered gift deed, dated 30.09.1991, the petitioner's husband has gifted the scheduled property to her. It included a tiled roof and an asbestos sheeted house with electricity connection as well as water connection. The petitioner would submit that she has been regularly paying the taxes. She has 4 sons and 2 daughters and it is her son Maria Susai, who was taking care of her and he is working as an engineer at USA.

3. The petitioner would submit that in view of the above fact, she had decided to gift the property to her son and on 21.03.2024, she had executed a registered gift settlement deed. Though the scheduled property measure an extent of 595 square feet as per the documents from the year 1944 till 2024, when it was demarcated only an extent of 480 square feet was available. Therefore, the petitioner had submitted a representation on 31.05.2024 to the first respondent to rectify the same as nearly 115 square feet appears to have been encroached by her neighbors, Gnanaprakasam and Selvamary / respondents 5 and 6 herein. The petitioner would submit that the first respondent had submitted her petition to the RDO and he in-turn had forwarded it to the Tahsildar for furnishing a report. However, no further steps have been



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taken on the representation. Since the respondents 5 and 6 were attempting to disturb the peaceful possession of the petitioner, she had filed a criminal complaint. Therefore, she has come forward with a Mandamus directing the first respondent to pass orders on her representation.

4. Taking into account the facts stated in the affidavit and also considering the interference to her possession, Mandamus is issued to the first respondent to dispose of the representation of the petitioner, dated 31.05.2024, within a period of twelve (12) weeks from the date of receipt of a copy of this order, after issuing due notice to the respondents 5 and 6 as well.

5. With the above direction, the writ petition stands allowed. There shall be no order as to costs.

12.09.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR



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P.T.ASHA, J.

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