



W.P.(MD) No.20853 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.20853 of 2024

P.Durairaj

.. Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The District Revenue Officer,
Madurai District,
Madurai.

3.The Revenue Divisional Officer,
Thirumangalam Taluk,
Madurai District.

4.Eswaran

5.Ganesan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the Respondent No. 3 to dispose the Petition in O.Mu.No.5592/2023/a3 pending on the file of the Respondent No.3 within a time frame to be fixed by this Court.



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For Petitioner : Mr.M.Deepakkumar
For R1 to R3 : Mr.B.Saravanan
Additional Government Pleader

ORDER

The petitioner seeks a mandamus to the third respondent to dispose of his petition in O.Mu.No.5592/2023/a3, which has been pending on the file of the third respondent for a considerable period of time.

2. The petitioner's contention is that his great grandfather Malayandi was the owner of the property in old S.No.88 measuring an extent of 1.14 Acres at Vagaikulam Village, Thirumangalam Taluk. He had three sons viz., Muthusamy, Mayan (petitioner's grandfather) and Andi. After his demise, though the property fell to the share of all the legal representatives, the patta has been mutated only in the name of the respective elder sons viz., Ramasamy, son of Muthusamy; Mahalingam, son of Mayan; and Irulan, son of Andi. The petitioner's grandfather Mayan had four sons including the petitioner's father Paulsamy.



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Likewise his grandfather's brother Andi had three sons and one Ramasamy the only son of Muthusamy.

3. The petitioner would submit that he had been enjoying his father's share along with his brother measuring 9½ cents in S.Nos.88/5C, 88/5D and 88/5F2. They had also purchased the share of their cosharer, Dhanushkodi, son of Masaman measuring an extent of 9½ cents under a registered sale deed dated 26.10.1990. The petitioner by himself purchased another coshare's share of (Andi's son) under a register sale deed dated 25.07.1991 measuring 21 cents. Therefore, he was put in possession and enjoyment of an extent of 31 cents of land. Meanwhile, one of the cosharers viz., Ramasamy, son of Muthusamy wanted to sell his properties to third parties. Therefore, the petitioner approached Ramasamy and his son Malaiyarasan to purchase their entire share and a sum of Rs.70,000/- was demanded, which was also paid by him. The registration process did not take place, as Ramasamy sought some more time. However, the petitioner was put in possession of the property, where he put up a cattle shed and was managing his cattle farm there.



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Every time the petitioner requests Ramasamy and his son to execute and register the sale deed, they have been finding some excuse or the other. Ramasamy, in the meanwhile, passed away and when the petitioner had approached his son Malaiyarasan, he was also evasive.

4. It appears that the fourth and fifth respondents who are the sons of Mahalingam, the brother of the petitioner's father, taking advantage of the patta standing in the name of their father, mutated the patta in their name. Therefore, the petitioner had taken out an application for cancelling the patta granted in the name of respondents 4 and 5 and a detailed representation was also sent to the first respondent on 22.06.2024 in O.Mu.No.5592/2023/a3. The same has not been considered to date. Therefore, the present writ petition.

5. The records would indicate that the petitioner has sent his representation on 22.06.2024 and the same has been received on 25.06.2024, 24.06.2024 and 29.06.2024 respectively by respondents 1 to 3. A report has also been called for on 26.06.2024 by the Revenue



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Divisional Officer from the Tahsildar, that is by the third respondent from the Tahsildar, Thirumangalam and with that no further action on the side of the third respondent.

6. Since the petition has been taken on file, a report has also been called for as early as on 26.06.2024, a mandamus is issued to the third respondent to dispose of the petitioner's petition dated 22.06.2024 and pass orders after hearing all parties within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is allowed. No costs.

03.09.2024

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

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P.T.ASHA, J.

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To

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- 3.The Revenue Divisional Officer,
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