



W.P.(MD) No.21733 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.21733 of 2024

R.Shenbagaram

.. Petitioner

Vs.

- 1.The District Collector,
District Collectorate Office,
Theni District.
- 2.The Revenue Divisional Officer,
Theni District.
- 3.The Tahsildar,
Tahsildar Office,
Theni District.
- 4.Ramasamy Naicker
- 5.Chinnammal
- 6.Abdhul Latheep Ravuthar
- 7.S.Shajahan
- 8.Hakkim
- 9.Mohammed Kani
- 10.Samsudeen
- 11.V.M.Chandran
- 12.S.Manokaran



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13.M.Mohammed Jalaudeen
14.R.Nagaraj
(R4 to R14 are impleaded vide
order dated 30.09.2024 in W.M.P
(MD)No.19879 of 2024)

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the 2nd respondent to dispose the appeal pending before him in the light of the representation given by the petitioner dated 27.10.2022 and reminder request dated 21.08.2024.

For Petitioner : Mr.H.Thayumanaswamy
For R1 to R3 : Mr.D.S.Nedunchezian
Government Advocate

ORDER

This writ petition is filed for a Mandamus directing the second respondent to dispose the appeal pending before him, in the light of the representation given by the petitioner dated 27.10.2022 and reminder request dated 21.08.2024.

2.The case of the petitioner is that the aforesaid property originally belonged to his great grandfather viz., Chinna Asari comprised in S.No. 1762/2, measuring an extent of 60 cents and in S.No.482/A1 to an extent



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of 56 ½ cents, by way of a registered family partition deed executed among the petitioner's great grandfather and his younger brother Mahalinga Asari, in the year 1916. Thereafter, his great grandfather had obtained patta in his favour. The said Chinna Asari had two wives. The first wife has no issues and the second wife got only one son viz., Ramalingam Asari, who got four sons. Amongst them the petitioner is the eldest. The said Chinna Asari died intestate leaving behind his wife Amaravathiammal and his son and four grandsons as his legal heirs. The wife and sons of the said Ramalinga Asari had executed a sale deed in favour of Uruma Udaiyappa Chettiar and 2 others. The sons of the said Ramalinga Asari are out of station for their job. In such circumstances, some strangers got their names included in the patta along with Ramalinga Asari. The Revenue Authorities had issued originally individual patta in the name of Ramalinga Asari. Now in the said patta, third parties names were included as joint pattadhar. Therefore, the petitioner to rectify the aforesaid mistake, he made a representation to the Tahsildar along with documents. Since the Tahsildar has not take any action, he filed an appeal before the RDO on 27.10.2022. Pursuant to



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which, the RDO issued a letter dated 09.11.2022 to the Tahsildar to inspect and measure the property and also conduct an enquiry. So far no action has been taken. Hence, he sent a reminder request to the RDO on 21.08.2024. But no progress has been made to till date. Hence, the present writ petition is filed.

3.The learned Government Advocate appearing for the respondents 1 to 3, on instructions, would submit that the second respondent will dispose of the appeal filed by the petitioner after hearing the respondents 4 to 14, within the time stipulated by this Court.

4.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3.

5.In view of the above, this Court directs the second respondent to dispose of the petitioner's appeal dated 27.10.2022, after issuing notice to all the parties and affording an opportunity of hearing, within a period of eight weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition stands allowed. No costs.

30.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

1. The District Collector,
District Collectorate Office,
Theni District.

2. The Revenue Divisional Officer,
Theni District.

3. The Tahsildar,
Tahsildar Office,
Theni District.



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P.T.ASHA, J.

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Dated: 30.09.2024