



W.P.(MD) No.22278 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.22278 of 2024

V.Ponraj

.. Petitioner

Vs.

1.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Sathur,
Virudhunagar District.

3.The Tahsildar,
Sathur Taluk,
Virudhunagar District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 1st respondent to expedite the petitioner's review petition, dated 28.08.2023 against the order of the 2nd respondent in his proceedings, dated 11.08.2023 in Na.Ka.A3/1032/2023 within stipulated time as prescribed by this Court.

For Petitioner : Mr.S.Saravana Kumar



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For Respondents : Mr.D.S.Nedunchezian
Government Advocate

ORDER

Seeking a mandamus to the 1st respondent to expedite the hearing of his review petition, dated 28.08.2023, the petitioner is before this Court.

2. The property measuring an extent of 4 acre 79 cents in Survey No.25/1B in Kottaipacheri village, Sathur Taluk, Virudhunagar District belonged to one Subba Naicker s/o Muthusamy Naicker. The said Subba Naicker had two sons, namely Sankarapa Naicker and Krishnasamy Naicker. The said Krishnasamy Naicker died issueless. The said Sankarapa Naicker married Seethalakshmi and through the said wedlock, he had a daughter, namely Subbulakshmi @ Indirani, Subburaj and Jeganathan. Sankarapa Naicker and Seethalakshmi are no more. The petitioner is the husband of Subbulakshmi @ Indirani and their marriage was performed on 08.07.1976. He would submit that the aforesaid land was given to his wife as Seedhanam and they are in possession and



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enjoyment of the same. Since owing to paucity of rain and not having any livelihood, the petitioner and his family had moved to Chennai. Patta had been issued in the name of the petitioner's father-in-law Sankarapa Naicher. Since the petitioner and his other family members were not in the village, one Seeni Naicker fraudulently mutated the revenue records in his name at the time of UDR and had created a deed in favour of his daughter Renuga Devi. The said Renuga Devi's husband is working in the revenue department and therefore, Seeni Naicker was able to easily manipulate the revenue records.

3. Coming to know about the same, the petitioner had filed an appeal to the 2nd respondent on 06.02.2023. No opportunity was given by the 2nd respondent to the petitioner to submit his documents and by an order, dated 11.08.2023, the 2nd respondent has rejected the appeal. Against which, the petitioner has filed a review petition before the 1st respondent on 28.08.2023. The 1st respondent had called for the records from the 2nd respondent vide his letter, dated 25.09.2023 and thereafter, no further action has taken place. The petitioner has also given a



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representation to the District Collector on 13.06.2024 which has also not evoked any response.

4. Considering the request of the petitioner and taking note of the fact that nearly a year has been passed since filing of the appeal, a mandamus is issued to the 1st respondent to dispose of the petitioner's appeal, dated 28.08.2023 within a period of two (2) months from the date of receipt of copy of this order.

5. With the above directions, this Writ Petition stands allowed. No costs.

20.09.2024

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

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To

1. The District Revenue Officer,
Virudhunagar District,
Virudhunagar.



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P.T.ASHA, J.

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