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WP No.39809 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 02.01.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

WP No.39809 of 2024

K.Vasanth

... Petitioner

Vs.

1. The District Collector,
O/o The District Collectorate,
Villupuram
2. The Revenue Divisional Officer,
Villupuram District.
3. The Tahsildar,
Vikuruvandi,
Villupuram District.
4. Perumal
5. Rajalakshmi
6. Rajeswari
7. Saraswathi
8. Niranjana

... Respondents



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Prayer: This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus directing the 2nd respondent to dispose of the enquiry proceedings initiated by the petitioner which is pending on the file of the 2nd respondent with a stipulated time and remove the name of the said Periyannan and to grant patta jointly in the name of the legal heirs of Kaliya Perumal and the legal heirs of Rasammal in S.No.43/14D, 47/13A, 47/7, 122/3 situated at Ayyankovil Village, Vikuruvandi Taluk, Villupuram District by considering the representation given by the petitioner dated 04.08.2024.

For Petitioner	: Mr.T.Stalin
For Respondents	: Mr.A.Selvendran Additional Government Pleader for Respondents 1 to 3

ORDER

The properties situated in S.No.43/14D, 47/13A, 47/7, 122/3 situated at Ayyankovil Village, Vikuruvandi Taluk, Villupuram District belonged to the petitioner's husband's grand father. On his demise, the property devolved upon the petitioner's father-in-law viz., Gopal Gounder and he was in possession and enjoyment of the property. The petitioner's



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father in law had two sons viz., the Periyannan, Kaliya perumal and one daughter Rasammal. Gopal Gounder passed away on 1965 and thereafter, his legal heirs were in possession and enjoyment of the property and as per the provisions of the Succession Act, it should devolve equally upon the legal heirs of Gopal Gounder viz., Periannan, Kaliya perumal and Rasammal and after their demise, it should devolve upon their legal heirs. The petitioner's husband Kaliya Perumal passed away on 20.07.2009 leaving the petitioner, her son viz., Gopal and her daughters viz., Janaki Devi, Kalingarani as his surviving legal heirs. Rasammal passed away in the year 2013 leaving behind 5 sons as her surviving legal heirs. As the property is a Hindu Joint Family, it should devolve equally upon the legal heirs of Gopal Gounder viz. Periyannan, Kaliya perumal and Rasammal.

2. While so, the petitioner was shocked to learn that the patta had been issued only in the name of Periyannan. Since, the petitioner and her son and daughters are also the legal heirs of Kaliya Perumal, their names should also be added as Joint Patta holders. The grievance of the petitioner is that the patta issued by the 3rd respondent in the name of Periyannan



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without any enquiry and without application of mind is illegal. Aggrieved by the same, the petitioner made a representation dated 04.08.2024 to the respondents 2 and 3 to remove the name of the said Periyannan and to add the name of the petitioner and her legal heirs. Since the representation made by the petitioner did not evoke any response, the present writ petition has been filed before this Court.

3. Heard Mr.T.Stalin, learned counsel for the petitioner and Mr.A.Selvendran, learned Additional Government Pleader for Respondents 1 to 3.

4. Considering the limited relief claimed by the petitioner seeking to dispose of the enquiry proceedings, a mandamus is issued to the 2nd respondent to dispose of the enquiry proceedings initiated by the petitioner which is now pending on the file of the 2nd respondent within a stipulated time and to remove the name of the said Periyannan and grant joint patta to all the legal heirs, who are entitled to. The said exercise shall be concluded within a period of three months from the date of receipt of a copy of this



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order.

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5. This Writ petition is allowed accordingly. No costs.

02.01.2025

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Index : Yes/No

Internet: Yes

Speaking Order/Non-speaking Order

To

1. The District Collector,
O/o The District Collectorate,
Villupuram

2. The Revenue Divisional Officer,
Villupuram District.

3. The Tahsildar,
Vikuruvandi,
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