

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 31.1.2013****CORAM:****THE HONOURABLE MR.JUSTICE R.SUBBIAH****W.P. (MD) No.1548 of 2013**

WEB COPY

Rethinam

: Petitioner

Vs.

1.The Revenue Divisional Officer,
Thamaraikulam,
Periyakulam Taluk,
Theni District.

2.The Tahsildar,
Aundipatti Taluk,
Theni District.

: Respondents


PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, directing the respondents to dispose of the representation of the petitioner, dated 05.01.2013 within the time frame.

For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.D.Muruganandham, AGP

ORDER

The present writ petition has been filed seeking for a mandamus, directing the respondents to dispose of the petitioner's representation, 05.01.2013 within the time frame.

2.In the affidavit, it has been averred that the petitioner has got several properties. He was in possession and enjoyment of the same since 1956 at Survey No.892/2 to an extent of 4 acres and 80 cents in Shanmugasundaram Revenue Village, Aundipatti Taluk. The petitioner's father died on 30.01.1998 and his mother died on 15.10.2001. Subsequent to the demise of his parents, his elder brother, by name Gunaseelan was taking care of the affairs of the land. By utilizing his position, his brother created a forged document claiming that he is the only legal-heir to his deceased father and transferred patta of the above said property in his name. He has also sold the said property in favour of one Krishnamoorthy on 14.07.2008 by way of registered sale deed as Document No.3359/2008 and having known about the same, the petitioner approached his brother to settle the issue amicably. However, rather than settling the dispute, the brother of the petitioner tried to attack the petitioner. Hence, the petitioner had given a complaint before the police. Thereafter, the petitioner was constrained to send a complaint to the Registration Department. Since, the said complaint was not considered, the petitioner was constrained to file W.P. (MD) No.900 of 2013 and the same was allowed on 17.01.2013. So far as the present writ petition is concerned, it is the grievance of the petitioner that the



petitioner's brother had obtained a patta in his name alone totally overlooking the fact that there are seven other legal-heirs as per the legal heir certificate. In fact, the patta was transferred on 16.05.2008 in the name of the petitioner's brother Gunaseelan. Hence, the petitioner knowing about the illegal activities of his brother in transferring patta in his name without including the legal heirs, he made a representation to the respondents on 05.01.2013 to cancel the patta issued in favour of his brother Gunaseelan. But the said representation was not considered so far. Hence, the present writ petition is filed.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader for the respondents.

4. Considering the limited prayer sought in this writ petition that the petitioner's representation is still pending before the respondents, this court directs the respondents to consider the representation of the petitioner, dated 05.01.2013 and pass orders on the same on merits and in accordance with law, by affording opportunity to all the necessary parties within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Deputy Registrar

/TRUE COPY/

Assistant Registrar

To,

1. The Revenue Divisional Officer,
Thamaraikulam,
Periyakulam Taluk,
Theni District.

2. The Tahsildar,
Aundipatti Taluk,
Theni District.

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W.P. (MD) .No.1548 of 2013
31.01.2013