



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2015

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THE HONOURABLE **MR. JUSTICE R. SUBBIAH**

W.P(MD).No.16210 of 2015

C.Palanisamy

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Karur.

2.The Tahsildar,
Aravakurichi Taluk,
Aravakurichi, Karur District.

... Respondents

Prayer: This Writ Petition has been filed under Article 226 of Constitution of India praying for a Writ of Mandamus directing the second respondent to include the legal heirs of the deceased Chellammal in the patta in respect of the land comprised in S.No.989/2, Thennilai East Village, Aravakurichi Taluk, Karur District in pursuant to the proceedings of the first respondent in Na.Ka.A2/2762/2014, dated 26.11.2014 forthwith.

For petitioner : Mr.J.Parekhkumar

For Respondents : Mr. S.Kumar
Additional Government Pleader

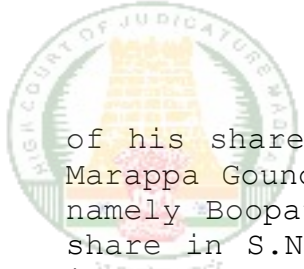
ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the second respondent to include the legal heirs of the deceased Chellammal in the patta in respect of the land comprised in S.No.989/2, Thennilai East Village, Aravakurichi Taluk, Karur District in pursuant to the proceedings of the first respondent in Na.Ka.A2/2762/2014, dated 26.11.2014 forthwith.

2. Mr.S.Kumar, learned Additional Government Pleader takes notice for the respondent.

3. By consent, this Writ Petition itself is taken up final disposal.

4. It is averred in the affidavit filed in support of the Writ Petition that during the year 1920, one Sadaiappa Gounder and Marappa Gounder had jointly purchased the land to an extent of 7.09 Acres in S.F.No.989, Thennilai East Village, Aravakurichi Taluk, Karur District from one Rasappa Chettiar for valid consideration under a registered sale deed in Document No.1905/1920, dated 22.04.1920. The said Sadaiappa Gounder has two daughters namely Palaniammal and Chellammal. After the demise of the said Sadaiappa Gounder, his daughters succeeded in respect



of his share in S.No.989. Likewise, after the demise of the joint owner Marappa Gounder, his grandson namely Veerappa gounder and grand Grandsons namely Boopatya and Chellamuthu are jointly succeeded in respect of his $\frac{1}{2}$ share in S.No.989. After the demise of Sadaiaappa Gounder, the patta in respect of the said land stood in the name of Marappa Gounder(1), Ponnayee,w/o.Sadaiaappa Gounder(2) and daughter of Sadaiaappa Gounder namely Palaniammal(3) and Chellammal(4). In the meantime, during the year 2009, the land to an extent of 0.06.5 hectares was acquired by the National Highways Authority of India, for widening the National Highways and therefore, the said survey number was sub-divided as 989/1 and 989/2. After the demise of the said Palaniammal, her daughter-in-law namely Vangalammal's name was included as joint owner. But after the demise of Chellammal, her legal heirs' names are not included in the patta in respect of S.No.989. While so, the name of Boopathy and Chellamuthu, who are the grand grandsons of Marappa gounder were included in the patta as joint owners during the year 2010 and thereafter, without the knowledge of the petitioner and other legal heirs of the deceased Chellammal, the above said S.No.989/2 was sub-divided as 989/2A and 989/2B vide proceedings of the second respondent in TK 8A/50/1421, dated 01.12.2011. Aggrieved by the same, the petitioner and his brother namely Muthusamy had preferred an appeal before the first respondent on 11.09.2012 to include their name in the patta in respect of S.No.989/2. After conducting enquiry, the first respondent cancelled the sub-division made by the second respondent and directed the second respondent to make changes in the revenue records in respect of S.No.989/2. Thereafter, the second respondent had deleted the sub-division made in the revenue records and made entry as S.No.989/2, but not considered the claim of the petitioner and his brother to include their name as joint owners. Therefore, the petitioner made a petition to the second respondent on 19.02.2015 and thereafter, the second respondent made enquiry by issuing summons to all the parties. But, no order has been passed so far. Hence, the petitioner has come forward with the Writ Petition for the above stated relief.

5. The main grievance of the petitioner is that though enquiry was completed, no order has been passed to include the name of the petitioner and his brother as joint owners in respect of S.No.989/2. Hence, the petitioner has come forward with the Writ Petition.

6. This Court cannot give such a positive direction when enquiry was conducted by the second respondent. Therefore, I am of the view that appropriate direction could be given to the second respondent to pass order within a stipulated time. Accordingly, the second respondent is directed to pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the second respondent to consider the same purely on merits.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-
Assistant Registrar



To

1. The Revenue Divisional Officer,
Karur.

2. The Tahsildar,
Aravakurichi Taluk,
Aravakurichi, Karur District.

+1cc to M/S. J. Parekh Kumar, Advocate in SR.No 52656

+1cc to Special Government Pleader in SR.No. 52420.

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W.P (MD) .No.16210 of 2015

07.09.2015