

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.12154 of 2016

1.Kumarasamy

2.Navaneethammal

... Petitioners

Vs.

1. The District Collector,
Thiruvannamalai District.

2. The Tahsildar,
Polur, Thiruvannamalai District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second respondent to effect Sub Division in S.No.232/1 - 10.95 cents of land and to issue separate patta for 5.50 cents of land in the name of the first petitioner and 5.45 cents of land in the name of the second petitioner in respect of Polur Taluk, Ananthapuram Village, S.No.232/1 - 10 acres 95 cents.

For Petitioners : Mr.R.Margabandhu

For Respondents : Mrs.P.Rajalakshmi,
Government Advocate

ORDER

The petitioners have come up with the present writ petition for a mandamus, directing the second respondent to effect sub division of the land in S.No.232/1, Ananthapuram Village, Polur Taluk measuring to an extent of 10 acres 95 cents and to issue separate patta for 5 acres 50 cents of land in the name of the first petitioner and 5 acres 45 cents of land in the name of the second petitioner.

2. It is the case of the petitioners that one Arjuna Gounder, who is the father of the first petitioner and the father-in-law of the second petitioner and his brother

Gangadhara Gounder had jointly purchased the land measuring to an extent of 21 acres 90 cents in S.No.232/1, Ananthapuram Village under a registered sale deed dated 22.05.1954. Later on, they effected oral partition, in which, the land measuring to an extent of 10 acres 95 cents on the southern side was allotted to the said Arjuna Gounder, who in turn, orally sold 5 acres 50 cents of land to the first petitioner and 5 acres 45 cents of land to the second petitioner for valid consideration of Rs.50/- each. Since the sale consideration was below Rs.100/-, the documents have not been registered. From the date of oral purchase in the year 1970, the petitioners have been exercising the right of ownership to their respective lands in question by way of adverse possession and they have been in possession and enjoyment of the same by mortgaging the property to the Agriculture department. Thereafter, the petitioners made a representation dated 15.04.2012 to the second respondent, requesting him to effect sub division and to issue separate patta in respect of their respective lands. However, till date, no action has been taken by the second respondent. Therefore, the petitioners have filed the present writ petition for the above stated relief.

3. Heard the learned counsel for the petitioners and the learned Government Advocate, who took notice for the respondents.

4. Considering the facts and circumstances of the case, this Court permits the petitioners to submit a fresh representation enclosing the relevant documents in support of their claim, along with a copy of this order to the second respondent within a period of two weeks from the date of receipt of a copy of this order. On submission of such representation, the second respondent is directed to consider the same, by affording an opportunity of personal hearing to the petitioners and pass appropriate orders within a period of twelve weeks thereafter. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioners and it is for the second respondent to pass appropriate orders purely on merits and in accordance with law.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rk

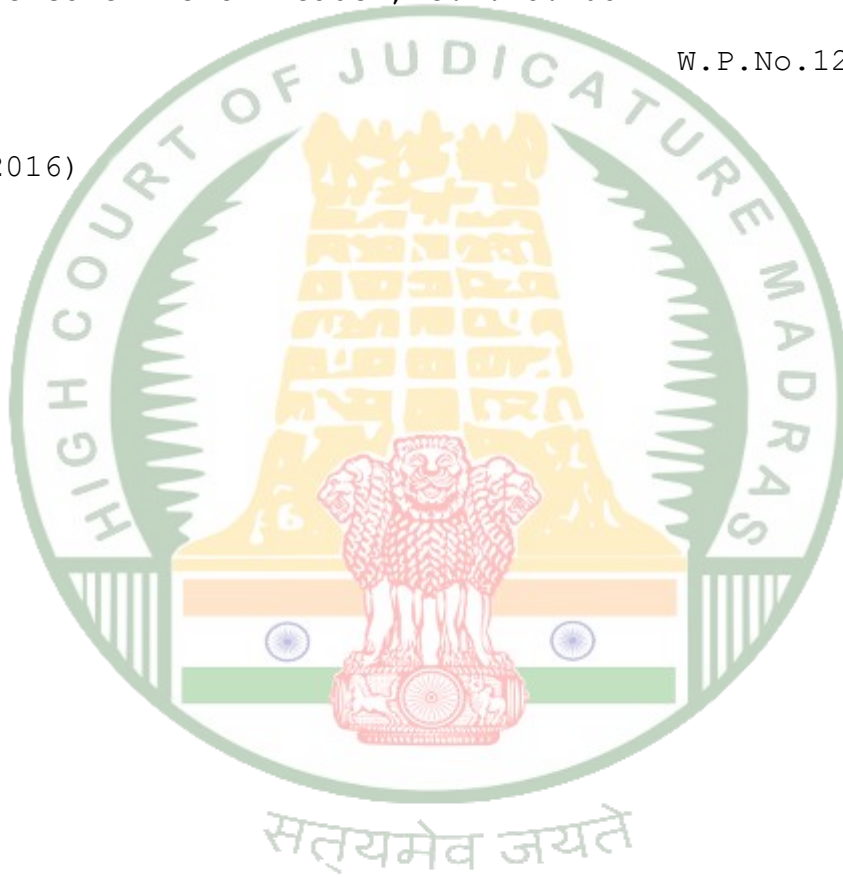
To

1. The District Collector,
Thiruvannamalai District.
2. The Tahsildar,
Polur, Thiruvannamalai District.

+1cc to Mr.R.Margabandhu, Advocate, S.R.No.20015
+1cc to the Government Pleader, S.R.No.20511

W.P.No.12154 of 2016

VSN(CO)
CA(18/04/2016)



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