

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.1.2016

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH

W.P.No.29202 of 2014

M.Subramani Reddy

... Petitioner

vs.

1.The District Collector,
Collectorate,
Sathuvachari,
Vellore.

2. The Thasildhar,
Arakkonam Taluk,
Arakkonam Town and Post,
Vellore District.

Ganesan (died)
3.Devaki w/o Late Ganesan

4. Deivayanai

5. Bhavunu

6.Dhanapakkiam

Chinnakannu (died)
7. Krishnaveni
w/o Late Chinnakannu

(R3 to R7 impleaded as per order dated
06/01/15 in M.P.No.2/14 in W.P.No.29202/14)... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 2nd respondent to consider the petitioners' representation dated 21.08.2014 and further direct the 2nd respondent to remove the name of petitioner's deceased brother namely Ganesan and one Krishnaveni, wife of petitioner's deceased brother Chinnakannu from joint patta No.552 in Karnavur Village Account, Arakkonam Taluk, Vellore District.

For Petitioner .. Mr.A.Gouthaman
For R1 & R2 .. Mrs.P.Rajalakshmi
For R3 to R7 .. Mr.A.Saranraj

ORDER

The petitioner has come forward to file this writ petition seeking a direction to the second respondent to consider the representation dated 21.08.2014 for the purpose of removing the name of petitioner's deceased brother and his wife from the joint patta.

2. As rightly submitted by the learned counsel for the respondents, the prayer as sought for cannot be granted. Admittedly, the petitioner's son has filed a civil suit in O.S.No.82 of 2014 before the District Munsif Court, Sholinghur. Though this property is not included in the schedule, the case of the petitioner that there is oral sale in his favour is disputed by respondents 3 to 7 herein. Therefore, the only option open to the petitioner is to seek appropriate relief by amending the plaint in the pending civil suit though instituted by son. Law is quite settled. In the suit for partition, every defendant is a plaintiff. Even otherwise, it is well open to the petitioner to file a separate suit. Accordingly, writ petition is dismissed giving liberty to the petitioner to work out his remedy in the manner known to law. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

kua
To

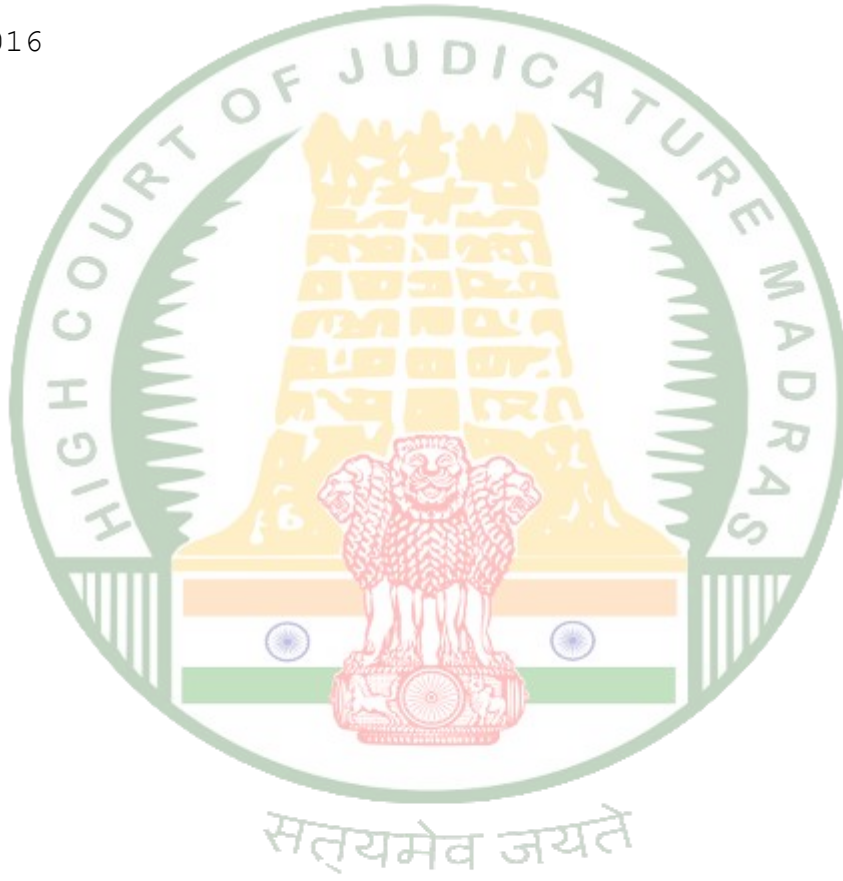
1. The District Collector,
Collectorate,
Sathuvachari,Vellore.

2. The Thasildhar,
Arakkonam Taluk,
Arakkonam Town and Post,
Vellore District.

+1 cc to Mr.A.Gouthaman Advocate sr.4371
+1 cc to Mr.A.Saranraj Advocate sr.4657

W.P.No.29202 of 2014

ev(co)
aa09/02/2016



WEB COPY