

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.27140/2016

1.Pavunammal
2.Suseela
3.Ethiraj
4.Malarvizhi

Petitioners

Versus

1.The Revenue Divisional Officer
Tiruvannamalai, Tiruvannamalai
Taluk and District.

2.The Tahsildar
Tiruvannamalai, Tiruvannamalai
Taluk & District.

3.Rajendiran
4.K.Babu

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents 1 and 2 to issue patta in the name of the petitioners to an extent of 1.28 ½ acres out of 2.57 acres, comprised in New S.Nos.58/4A1, 58/4A2 and 58/4A3 [old S.No.58/4A] situated at Thalayampallam Village, Tiruvannamalai Sub Registrar-2, Tiruvannamalai Registration District.

For Petitioners: Mr.J.Rama Krishnan

For R1 & R2 : Mr.S.Navaneethan, AGP

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioners would state that the husband of the 1st petitioner and father of the petitioners 2 to 4 obtained a Money Decree against the 3rd respondent in OS.No.885/2004 on the file of the District Munsif, Tiruvannamalai on 23.03.2005 and thereafter, filed an execution petition in REP.No.253/2005 for attachment of the property in S.No.58/4A belonging to the 3rd respondent and subsequently, the said property was attached

on 26.04.2006 and was made absolute on 05.06.2006. The father of the petitioners 2 to 4 filed another execution petition in REP.No.291/2008 for sale of the property belonging to the 3rd respondent herein, which was not pressed and again filed REP.No.215/2009 for sale of the same and accordingly, the decree holder himself sought permission to participate in the bid and it was accorded and the sale was knocked down in his favour and a Sale Certificate was also executed in favour of the father of the petitioners 2 to 4 on 08.11.2011 by the said Court. The petitioner would further state that the 3rd respondent had set up his children to alienate a portion of the property in favour of the 4th respondent to divide the above said right and both of them colluded and also clandestinely managed to sub-divide the property in S.No.58/4A into 58/4A1, 58/4A1 and 58/4A3, despite the fact that the application submitted by the father of petitioners 2 to 4 for effecting sub-division and for change of patta is pending. Subsequent to the death of the father of the petitioners 2 to 4, the 3rd petitioner herein has submitted a representation during March 2015 praying for cancellation of the above sub-division and since no response is forthcoming, the petitioners have come up with the present writ petition.

3 Heard the submissions of Mr.J.Rama Krishnan, learned counsel for the petitioners and Mr.S.Navaneethan, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, permits the petitioners to submit one more representation to the respondents 1 and 2 along with a copy of this order as well as copy of the earlier representation submitted during March 2015, within a period of two weeks from the date of receipt of a copy of this order and the 1st respondent, on receipt of the same, is directed to consider the said representation, in accordance with law, after putting on notice, the respondents 3 and 4 and pass orders within a further period of ten weeks thereafter and communicate the decision taken, to the petitioners as well as to the respondents 3 and 4.

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

Sd/-
Assistant Registrar(CS VI)

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To

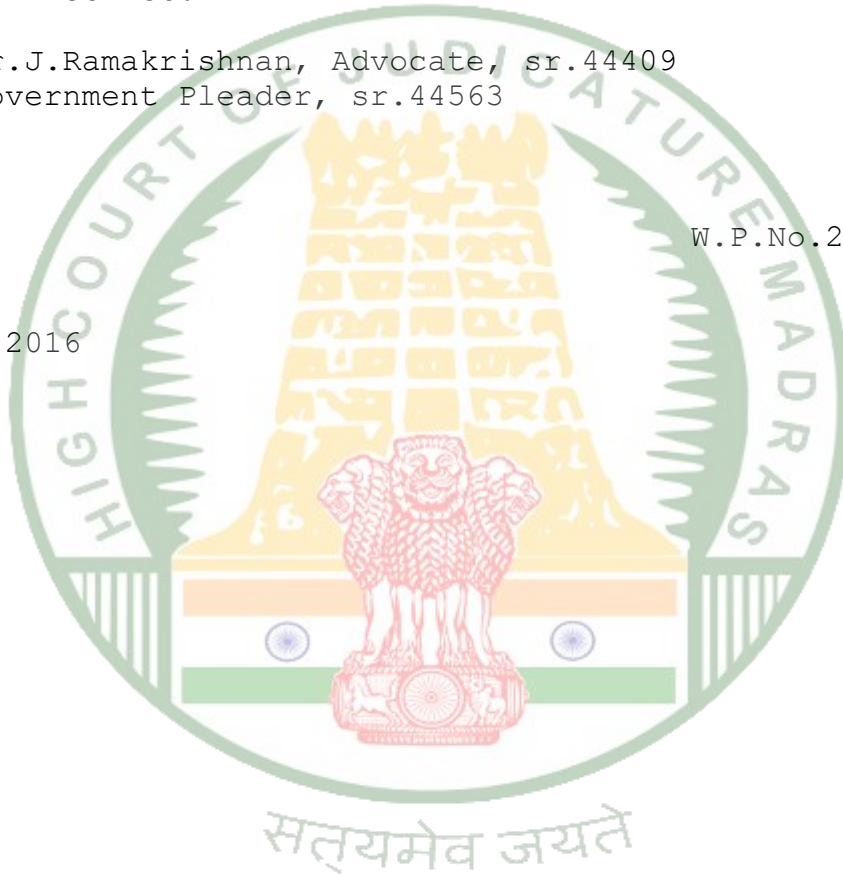
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1 cc to Mr.J.Ramakrishnan, Advocate, sr.44409
1 cc to Government Pleader, sr.44563

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sr co
kra 23.08.2016



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