

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.27736/2016

P.V.VivinRaja

..

Petitioner

Vs.

1.The Tahsildar  
Taluk Office,  
Dharmapuri Taluk  
Dharmapuri District.

2.The Revenue Divisional Officer  
Revenue Divisional Office  
Dharmapuri,  
Dharmapuri District 636701.

3.V.Murugan

..

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus to direct the 2<sup>nd</sup> respondent to consider the petitioner's appeal by way of representation dated 14.11.2015 and issue patta in the name of the petitioner in respect of Survey Nos.356/8-0.01.5 Hec., 356/10-0.02.5 Hec., 356/13-0.11.0 Hec., in Palavadi Village, Dharmapuri Taluk, Dharmapuri District within the time to be fixed by this Court.

For Petitioner : Mr.V.R.Annagandhi  
For R1&R2 : Mr.A.N.Thambidurai, Spl.GP

O R D E R

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

**2** The petitioner claims that his father had inherited the

properties in S.Nos.356/8, admeasuring to an extent of 0.01.5 Hectares ; in S.Nos.356/10, admeasuring to an extent of 0.02.5 Hectares and in S.No.356/13, admeasuring to an extent of 0.11.0 Hectares at Palavadi Village, Dharmapuri Taluk and District and he was also issued with patta No.378 and 1468 in respect of the said properties and those properties were also subjected to the statutory levies. The grievance expressed by the petitioner is that the relevant entries in the revenue records have been mutated without putting the petitioner on notice and in this regard, the petitioner has submitted a representation dated 14.11.2015 to the respondents 1 and 2 and since he has not been favoured with any kind of response, the petitioner came forward to file the present writ petition.

**3** Heard the submissions of the learned counsel for the petitioner and Mr.A.N.Thambidurai, learned Special Government Pleader who accepts notice on behalf of the respondents 1 and 2, who would submit that admittedly, the petitioner, as the plaintiff, has filed a suit in OS.No.5/2006 on the file of the Court of the District Munsif, Dharmapuri, against Ramani and five others for partition and separate possession and the said suit is still pending and unless and until the preliminary decree is passed, declaring the entitlement and share of the

petitioner/plaintiff to the properties in question, he cannot pray for issuance of patta in his name and prays for dismissal of this writ petition.

**4** In response to the said submission, the learned counsel appearing for the petitioner would submit that the petitioner along with the other legal heirs may be permitted to submit a joint representation for deletion of the name of the 3<sup>rd</sup> respondent with a further prayer to issue joint patta and it may be considered by the 2<sup>nd</sup> respondent.

**5** This Court considered the rival submissions and also perused the materials placed before it.

**6** This Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner and the other legal heirs, to submit one more representation to the 2<sup>nd</sup> respondent along with a copy of this order, as to the deletion of the name of the 3<sup>rd</sup> respondent and also for issuance of joint patta within a period of two weeks from the date of receipt of a copy of this order and the 2<sup>nd</sup> respondent on receipt

M.SATHYANARAYANAN, J.

AP

of the same, is directed to consider the said representation on merits and in accordance with law, after putting on notice, the 3<sup>rd</sup> respondent herein and pass orders within a further period of ten weeks thereafter and communicate the decision taken, to the petitioner as well as to the 3<sup>rd</sup> respondent herein.

**7** The writ petition is disposed of accordingly. No costs.

18.08.2016

Index : No

Internet : Yes

AP

To

1.The Tahsildar  
Taluk Office,  
Dharmapuri Taluk  
Dharmapuri District.

2.The Revenue Divisional Officer  
Revenue Divisional Office  
Dharmapuri,  
Dharmapuri District 636701.

WP.No.27736/2016