

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.11.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

WP.No.40403/2016

S.P.Saminathan

.. Petitioner

Versus

1.The Revenue Divisional Officer
O/o.The Revenue Divisional Officer,
Tirupur, Tirupur District.

2.The Tahsildar
Taluk Office, Palladam
Tirupur District.

3.Smt.Thavamanidevi

4.N.Saravanan

5.N.Indirani

6.E.Anitha

7.Balasubramaniam

8.B.Chandrasekar

9.B.Ramachandran

10.S.Logammal

11.S.P.Muthukumarasamy

12.S.P.Devaraj @ Amaravathiappan

[Late] D.Subathal, W/o.P.Dharmamoorthy
Respondents 4 to 11 are legal heirs
of D.Subathal

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent herein to dispose of the petition in RP.No.370/2015 by making such corrections as prayed for in the said petition within specified time as stipulated by this Court, by considering the representation dated 26.09.2016.

For Petitioner : Mr.V.Kadhirvelu
For RR 1 & 2 : Mr.A.Kumar, Spl.GP

ORDER

Heard the learned counsel for the petitioner and Mr.A.Kumar, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 and 2 and with the consent on either side, the writ petition is taken up for final disposal.

2 The case of the petitioner is that his father [Late] Palanisamy Gounder was the absolute owner and was in possession and enjoyment of the ancestral property comprised in Old Natham Survey No.151. The said land was subsequently sub-divided into SF.Nos.697/21, 697/23, 697/24, 704/39 and 704/40 sitaute at Naranapuram Village, Palladam Taluk. The petitioner's father died intestate, leaving behind his

wife ; four sons including the petitioner herein, viz., Dharmamoorthy, Muthukumarasamy, Saminathan and Devaraj @ Amaravathiappan and two daughters, viz., Gyanasundari and Lakshmi, as his legal heirs. On 11.02.1980, the petitioner's mother Ponnammal and his two sisters, viz., Gyanasundari and Lakshmi, bequeathed their respective shares in favour of the petitioner and his brothers, through a Release Deed bearing Doc.No.10/1980 dated 11.02.1980 registered on the file of the Office of the Sub Registrar, Palladam. Since then, the petitioner and his brothers are jointly enjoying the property and a joint patta has been issued in Patta No.2096 in favour of the petitioner and his brothers, viz., Muthukumarasamy, Devaraj @ Amaravathiappan and one Saravanan [grandson of Dharmamoorthy]. Similarly, Patta No.2097 has been issued in favour of the 4th respondent , Muthukumarasamy and Saminathan only and the other legal heirs are not included. Similarly, in respect of SF.Nos.704/39 and 704/40, patta has been issued in favour of the 3rd respondent herein, who is the wife of Devaraj @ Amaravathiappan, which is totally illegal as the petitioner and his brothers are jointly enjoying the property. It is the further case of the petitioner that when such defect came to his knowledge, he sent a legal notice dated 08.10.2014 to the 2nd respondent requesting him to remove the name of the 3rd respondent

herein and to include his name and the names of his other brothers and though the said legal notice was received and acknowledged by the 2nd respondent, no response was forth coming and hence, the petitioner filed a revision petition in RP.No.370/2015 on 06.01.2015 and the same is pending. Thereafter, the petitioner submitted a representation dated 26.09.2016 to the 1st respondent and the said representation also did not evoke any kind of response and therefore, the petitioner is constrained to approach this Court by filing the present writ petition.

3 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 claim projected by the petitioner either in his representation dated 26.09.2016 or in his revision petition dated 06.01.2015, directs the 1st respondent to consider and dispose of the petitioner's revision petition in RP.No.370/2015 dated 06.01.2015 on merits and in accordance with law after issuing notice to the respondents 4 to 12 and pass orders as expeditiously as possible and communicate the decision taken, to the petitioner as well as to the respondents 4 to 12.

4 The writ petition stands disposed of with the above direction. No costs.

23.11.2016

AP

To

1.The Revenue Divisional Officer
O/o.The Revenue Divisional Officer,
Tirupur, Tirupur District.

2.The Tahsildar
Taluk Office, Palladam
Tirupur District.

B.RAJENDRAN, J.,
AP

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