

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.8699 of 2016

K.Karuppanna Gounder

.. Petitioner

Vs.

1. The Commissioner,
Land Survey and Settlement Department,
Chepauk, Chennai-600 005.
2. The District Collector,
Office of the Namakkal Collectorate,
Nallipalayam (P.O),
Namakkal District-637 003.
3. The District Revenue Officer,
Office of the Namakkal Collectorate,
Nallipalayam (P.O),
Namakkal District-637 003.
4. The Revenue Divisional Officer,
Thiruchengodu Taluk,
Thiruchengodu (PO),
Namakkal District-637 211.
5. The Tahsildar,
Paramathi Velur Taluk Office,
Padamudipalayam, Velur Post,
Namakkal District-638 182.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to directing the respondents 4 and 5 to consider the petitioner's representation, dated 04.01.2016 and club the sub-divisions in Kabilakurichi Village Karathottam Survey No.115 and direct them to intimate the same within a stipulated period before this Court.

For Petitioner : Mr.M.K.Bhoopathy Rajan
For Respondents : Mr.P.Sanjay Gandhi, Addl.G.P.

ORDER

The petitioner has filed the above Writ Petition for issuance of a Writ of Mandamus to direct the respondents 4 and 5 to consider the petitioner's representation, dated 04.01.2016 and club the sub-divisions in Kabilakurichi Village Karathottam Survey No.115 and direct them to intimate the same within a stipulated period before this Court.

2. In the affidavit filed in support of the Writ Petition, it is averred by the petitioner that he is an agriculturist and residing in the said village for the past 75 years with his family members. The petitioner's family is having ancestral property in the above said survey number and after the demise of the ancestors, the petitioner's family is in possession and enjoyment of the house, agricultural land and Well, without any partition among the legal heirs till date. The Revenue officials did not sub-divide the said property of the petitioner's family without mentioning the pathway and roads. Hence, the legal heirs often quarrel with each other for proper pathway and improper sub-division. A complaint has also been lodged in Paramathi Velur Police Station for pathway dispute. The petitioner and his family members now decided to partition the ancestral property before the village elders without any dispute and with proper pathway. Hence, the petitioner submitted a representation, dated 04.01.2016 to the respondents 4 and 5. Since the said representation is pending, the petitioner has filed this Writ Petition for the above relief.

3. Heard both sides.

4. Taking into consideration the facts and circumstances of the case, without going into the merits of the case, this Court directs the fifth respondent to consider the said representation, dated 04.01.2016 and after conducting enquiry and giving an opportunity of personal hearing to the petitioner and necessary parties, pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

cs

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

Copy to

1. The Commissioner,
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Chepauk, Chennai-600 005.
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Namakkal District-638 182.

+ 1 cc to Mr.M.K.Bhoopathy Rajan, Advocate, SR 15084

+ 1 cc to Govt.Pleader, High Court, Madras SR 15323

sns(co)
prk28/3

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सत्यमेव जयते

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