



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 08.06.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P(MD)No.10086 of 2016

V.Ramiah

..Petitioner

Vs

1.The District Collector,
Collectorate Office,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Madurai.

3.The Tahsildar,
Madurai North Taluk,
Madurai.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to pass appropriate orders on the Petitioner's petition dated 8.5.2015 to effect sub-division of the property of the Petitioner ad-measuring northern 287 ½ sq.ft out of 875 sq.ft in S.No.138/6 of Chettikulam Village and issue separate patta.

For Petitioner :M/s.Natesh Raja

For Respondents : Mr.J.Gunaseelan Muthiah
1 to 3 Govt.Advocate

ORDER

Heard both sides.

2.By consent of both sides, the main Writ Petition itself is taken up for final disposal.

3.According to the Petitioner, the property measuring 875 sq.ft in old S.No.55(corresponding to UDR S.No.138/6) of Chettikulam Village, Madurai North Taluk, Madurai earlier belong to his mother Amma Pillai @ Veeramahali Ammal by means of registered Settlement Deed, dated 20.8.19057 executed by her



father. It appears that in the Settlement Deed, this property is described as first item.

4.The Petitioner's mother died on 1.1.2016 and his father pre-deceased her. His mother died intestate leaving behind the Petitioner, his brothers Rajangam, Ganesan, sisters Amirtham, Meenakshi, Sarasu and Valli as her legal heirs.

5.The Petitioner's sisters Meenakshi, Sarasu and Valli died intestate leaving behind their husbands, sons and daughters as legal heirs. The Petitioner and his brothers, sisters and legal heirs of the deceased sisters partitioned the property among themselves in S.No.138/6, which is measuring an extent of 875 sq.ft. by means of registered partition deed, dated 30.1.2013. In the partition, the northern portion 287 ½ sq.ft was allotted to the Petitioner in the 'A' schedule. To have his property subdivided and to have a separate patta, the Petitioner has projected an application On 8.5.2015 before the third respondent. The Tahsildar, Madurai North Taluk, Madurai for effecting subdivision and in this regard, he paid the necessary fee of Rs.40/-. Subsequently, he presented a petition on 3.8.2015 to the first respondent/The District Collector, Madurai on Grievance Day and the acknowledgement is in M.C.No./15/09234. Added further, he had filed a petition before the second respondent/The Revenue Divisional Officer, Madurai and second respondent through letter, dated 14.8.2015 directed the third respondent/The Tahsildar, Madurai North Taluk, Madurai to take action on his petition.

6.In view of the fact that no action was taken by the respondents, the Petitioner sought for information as regards the action taken on his petition under Right to Information Act on 4.1.2016. As a matter of fact, the third respondent/The Tahsildar, Madurai North Taluk, Madurai through letter, dated 1.2.2016 informed the Petitioner that a civil suit in O.S.No.186 of 2015 is pending on the file of the learned District Munsif, Melur in respect of the property in S.No.138/6 of Chettikulam Village, Madurai North Taluk, Madurai. Later, on verification made by the Petitioner, it is seen that the suit in O.S.No.186 of 2015, on the file of the trial Court is no way connected either with his family property or the property in question. To put it precisely, the suit property in O.S.No.186 of 2015 is S.No.235/1 of Poonjuthi Village, Melur Taluk is a different one than that of the Petitioner's property and apart from that, the said suit in O.S.No.186 of 2015 is filed for partition.

7.The real grievance of the Petitioner is that soon after the receipt of the particulars of the suit, he approached the third respondent/The Tahsildar, Madurai North Taluk, Madurai and <https://hcmca.cemad.gov.in/mca-services> that the suit is not related to his property. But the third respondent without verifying the suit particulars, simply declined to take any action on his petition, dated



8.5.2015, wherein he had sought for sub-division and to issue separate patta in respect of the subject-matter property.

8. In view of the fact that the Petitioner's representation, dated 8.5.2015 addressed to the third respondent/The Tahsildar, Madurai North Taluk, Madurai is pending as on date, this Court based on Equity, Fair Play and even as a matter of prudence, directs the third respondent/The Tahsildar, Madurai North Taluk, Madurai to consider the representation of the Petitioner, dated 8.5.2015 with all earnestness and seriousness and dispose of the same by passing an order on merits within a period of six weeks from the date of receipt of a copy of this order (of course after providing due opportunity to the Petitioner and others concerned, if any, by adhering to the principles of natural justice in true letter and spirit). It is needless for this Court to make a significant mention that it is open to the Petitioner to produce necessary documents/records before the third respondent/The Tahsildar, Madurai North Taluk, Madurai and seek redressal of his grievance in the manner known to law and in accordance with law. It is abundantly made clear that if necessary documents/records are produced by the Petitioner, then the third respondent/The Tahsildar, Madurai North Taluk, Madurai is directed to look into the same and to pass the orders in issue within the time frame determined by this Court

9. With the aforesaid observations and directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The District Collector, Collectorate Office,
Madurai District, Madurai.
2. The Revenue Divisional Officer, Madurai.
3. The Tahsildar, Madurai North Taluk, Madurai.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.28936
+1 CC to Mr.S.NATESH RAJA, Advocate, SR No.29024

W.P(MD)No.10086 of 2016
08.06.2016

vsn

SH/NGM-MP/SAR-I:16.06.2016:3P/6C