



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 14.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P(MD)No.10439 of 2016

K.Sonaimuthu

..Petitioner

Vs

1.The Tahsildar,
Taluk Office,
Devakkottai Taluk,
Sivagangai District.

2.The Taluk Surveyor,
Devakkottai Taluk,
Sivagangai District.

..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 consider the Petitioner's representation dated 30.05.2016 within the time stipulated.

For Petitioner :M/s.K.Rajeshwaran

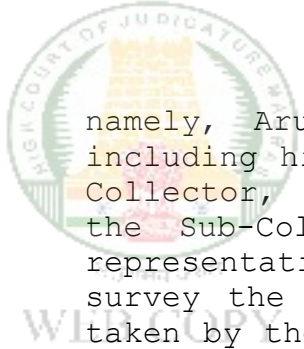
For Respondents :Mr.S.Kumar
Addl.Govt.PleaderORDER

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 lands measuring an extent of 1 acre and 45 cents in S.No.237/1 situated at Ezhavizhivayal Village, Kannankottai Group, Devakkottai Taluk, Sivagangai District originally belonged to his father Karuppiah. On 6.3.1985, a partition took place in respect of the property and some other properties between his father, himself and his brothers namely, one Mr.Suppiah, Mr.Arumugam and Mr.Vijayaraman, by means of a partition deed. As per the partition deed, one third share in the center portion of the southern side vacant land in the said property and half share of western side of the building were allotted to the Petitioner and from that date onwards, the Petitioner is in absolute possession and enjoyment of the said properties.

4.The clear-cut case of the Petitioner is that due to his work nature, he was residing in numerous places (which are far away from his village) and by mis-using his absence in the village, his brothers



namely, Arumugam and Vijayaraman obtained patta in their names by including his lands too. Soon, he preferred an appeal before the Sub-Collector, Devakkottai on 30.5.2016. Since his appeal is pending before the Sub-Collector, Devakkottai, on 30.5.2016 and 31.5.2016, he made representations to the respondents 1 and 2 making a request not to survey the lands in question. However, till date, no action has been taken by the respondents 1 and 2 in this regard. Hence the Petitioner is constrained to file the present Writ Petition for the relief stated supra.

5. Even though the Petitioner's representation addressed to the First Respondent dated 30.05.2016 is pending as on date, without any progress, this Court taking note of the essential fact that the appeal preferred by the Petitioner before the Sub-Collector, Devakkottai is pending in the subject-matter in issue, at this stage, this Court, without expressing any opinion on the merits and contents of the appeal so filed by the Petitioner, in the interest of justice, directs the Sub-Collector, Devakkottai to dispose of the appeal preferred by the Petitioner (by affording necessary opportunity to the Petitioner and others concerned, if any by following the principles of natural justice in true letter and spirit) within a period of six weeks from the date of receipt of a copy of this order. It is open to the Petitioner to produce copies of all relevant records/documents before the Sub-Collector, Devakkottai and to raise all factual and legal pleas in the subject-matter in issue. If necessary, copy of records/documents are produced before the Sub-Collector, Devakkottai, then the Sub-Collector, Devakkottai shall give his anxious consideration to the said material documents/records and to dispose of the appeal in the manner known to law and in accordance with law. The Petitioner is directed to lend his cooperation and assistance to the Sub-Collector, Devakkottai in disposing of the appeal filed by him, within the time adumbrated by this Court.

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

Sd/
Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar.

To

1. The Tahsildar, Taluk Office, Devakkottai Taluk, Sivagangai District.
2. The Taluk Surveyor, Devakkottai Taluk, Sivagangai District.

Copy to

The Sub-Collector,
Devakkottai. (for information and necessary follow-up action).

+1CC to M/S.K.Rajeswaran, Advocate, SR.No. 30404

+1CC to the Special Government Pleader, SR.No. 30510

W.P (MD) No.10439 of 2016

14.06.2016