

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2017

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.NO.15626 OF 2017

R. Senthilkumar

.. Petitioner

Vs.

1. The Revenue Divisional Officer  
Namakkal.

2. The Tahsildar  
Senthamangalam,  
Namakkal District.

... Respondents

PRAYER: Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the 1<sup>st</sup> respondent to dispose of the appeal dated 02.12.2016, preferred by the petitioner challenging the proceedings of the 2<sup>nd</sup> respondent herein in Proceeding No.2016/0103/09/039166, dated 14.11.2016.

For Petitioner .. Mr.S.Saravanan

For Respondents .. Mr.S.N.Parthasarathi  
Government Advocate

O R D E R

Mr.S.N.Parthasarathi, learned Government Advocate takes notice on behalf of the respondents. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. The writ petitioner claims to be the co-owner of the land comprised in S.No.381/1, 381/2 and 381/3 of Belukurichi Village, Senthamangalam Taluk, along with his brother. The petitioner's father has relinquished his 1/3<sup>rd</sup> of the undivided share of the property in dispute, by way of a registered document, bearing No.2270/2008, on the file of Sub Registrar, Senthamangalam, for a consideration of Rs.3,00,000/- (Rupees Three Lakhs Only). Since the brother of the petitioner did not agree for partition, the petitioner filed a suit for partition.

3. According to the petitioner, by virtue of the

release deed executed by his father, he has become the co-owner and is entitled to share over the title of the property. Therefore, he has approached the second respondent - Tahsildar, for mutation of revenue records. But the second respondent has rejected his request, against which, the petitioner has preferred an appeal before the first respondent - Revenue Divisional Officer, Namakkal. Though the appeal was filed on 02.12.2016, the first respondent, neither passed any orders nor taken any steps, to issue notice and complete the enquiry proceedings. Aggrieved over the same, the petitioner is before this Court with a limited prayer to dispose of the appeal preferred by him before the first respondent.

4. Considering the limited prayer made, a direction is issued to the first respondent to dispose of the appeal preferred by the petitioner, dated 02.12.2016, against the order of the second respondent, in proceedings No.2016/0103/09/039166, dated 14.11.2016, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to the parties concerned.

5. The writ petition is disposed of with the above direction. No costs.

Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mm/tk

To

1. The Revenue Divisional Officer  
Namakkal.
2. The Tahsildar  
Senthamangalam, Namakkal District.

+lcc to Mr.S.Saravanan, Advocate, S.R.No.43670  
+lcc to the Government Pleader, S.R.No.43772

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SR(CO)  
CS/06/07/17