

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.28380 of 2013
and
W.M.P.No.2737 of 2016

1.S.Krishnan
2.S.Muthuraman

...Petitioners

Versus

- 1.The Secretary to Government of Tamil Nadu,
Revenue Department,
Fort St.George,
Chennai - 9.
- 2.The District Collector,
Tiruvallur District.
- 3.The Revenue Division Officer,
Ponneri Sub-Division,
Tiruvallur District.
- 4.The Tahsildar,
Gummudipoondi Taluk,
Tiruvallur District.
- 5.Allimuthu Reddy
- 6.Adhilakshmi
- 7.Venkatesan
- 8.Ezhumalai
- 9.Mani
- 10.Sarangan
- 11.Visalam

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation dated 03.06.2011 and thereby direct the 4th respondent to made subdivision with preferred FMB sketch and issue Patta in respect of the property comprised in Survey No.355/5 an extent of 0.43 cents out of 1 Acres 73 cents of land situated at Gumpuli Village, Eadoor-Firka, Gummidipoondi Taluk, Tiruvallur District in the name of the petitioner and his

younger brother namely Mr.Muthuraman.

For Petitioners : Mr.R.Velu

For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader
for R1 to R4
No appearance, for R5 to R11

O R D E R

This writ petition has been filed seeking for issuance of writ of mandamus, directing the respondents 1 to 4 to consider the representation of the petitioners dated 03.06.2011 and direct the fourth respondent to make subdivision of the land in Survey No.355/5 to an extent of 0.43 cents out of 1 Acres 73 cents of land situated at Gumpuli Village, Eadoor-Firka, Gummidipoondi Taluk, Tiruvallur District.

2. Heard Mr.R.Velu, learned counsel for the petitioner, Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondents 1 to 4, none appeared for the respondents 5 to 11 and perused the material documents available on record.

3. According to the petitioners, Mr.Samy Reddy, who is their grand father, owned 1 acre 73 cents in S.No.355/5 in Gumpuli Village, Gummidipoondi Taluk, Tiruvallur District. The said Samy Reddy had four sons and after his demise, his sons' divided the property equally and each of them acquired 43 cents. The petitioners have further stated that their father Mr.Subramani Reddy, was enjoying his share of 43 cents without any interference. While so, the Revenue Authorities while updating the land Record Scheme, issued a joint patta in respect of the entire extent of 1 acre 73 cents.

4. The further case of the petitioners is that the respondents 7 to 11 have no rights or title over the property. The petitioners' right has been declared by the Civil Court in O.S.No.72 of 2001. The petitioners gave representation to the respondent to issue separate Patta and also to sub divide the property. Since no action has been taken, the present writ petition.

5. The learned counsel for the petitioners submitted that it would suffice, if a direction is issued to the respondents to take appropriate action on the representation of the petitioners dated 03.06.2011.

6. The learned Special Government Pleader appearing for the respondents 1 to 4 submitted that if any mistake crept in the U.D.R Scheme, that can be corrected by the District Revenue Officer.

7. In the light of the above submissions made by the learned counsels on either side, the petitioners are directed to submit a fresh representation to the District Revenue Officer, within a period of two weeks from the date of receipt of a copy of this order, by enclosing a copy of this order. On such compliance, the District Revenue Officer shall consider the representation of the petitioners and pass appropriate orders on merits and in accordance with law, after providing an opportunity to all the necessary parties, within a period of three months there from.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS VII)

//True copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government of Tamil Nadu,
Revenue Department, Fort St. George,
Chennai - 9.
- 2.The District Collector, Tiruvallur District.
- 3.The Revenue Division Officer,
Ponneri Sub-Division,
Tiruvallur District.
- 4.The Tahsildar,
Gummudipoondi Taluk,
Tiruvallur District.

+1cc to Mr.R.Velu, Advocate SR.No.17468
+1cc to Government Pleader SR.No.18410

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and

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SSD (CO)
GN (27/03/2018)