



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2020

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THE HONOURABLE **MR. JUSTICE S.S.SUNDAR**

W.P. (MD) No.17813 of 2018

and

W.M.P. (MD) Nos.15680 & 22056 of 2018

WEB COPY

R.Gurulakshmi

... Petitioner

Vs.

1.The District Revenue Officer,
Sivagangai District.

2.The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

3.S.Mathavan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records relating to the impugned order of the first respondent in Pa.Mu.Pi4/27066/2015 dated 14.06.2018 and quash the same insofar as the survey No.235/1E4 measuring 41.1/2 cents of the petitioner is concerned.

For Petitioner : Mr.S.Srinivasa Raghavan

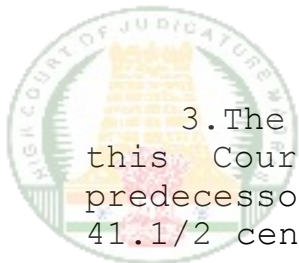
For R1 & R2 : Mr.A.Thiyagarajan,
Government Advocate.

For R3 : Mr.T.Lajapathy Roy

ORDER

This writ petition has been filed to quash the impugned order of the first respondent in Pa.Mu.Pi4/27066/2015 dated 14.06.2018 insofar as the property measuring an extent of 41.1/2 cents comprised in S.No.235/1E4 in Paiyur Pollaivayal Group, Sivagangai Taluk, Sivagangai District.

2.The case of the petitioner is that the petitioner purchased the property measuring to extent of 41.1/2 in S.No.235/1E4 by registered document executed by the legal heirs of one Natarajan. It is admitted that the said Natarajan had purchased the property from one Rathinam by registered document of the year 1982. It is also admitted by the petitioner herself that the petitioner's predecessor's interest by one Rathinam was allotted F-schedule in the partition deed dated 06.02.1980.



3.The partition deed dated 06.02.1980 is not produced before this Court by the petitioner to show that the petitioner's predecessor's interest by name Rathinam was allotted an extent of 41.1/2 cents. Though the petitioner produced a patta to show that patta was issued to the petitioner's father for an extent of 41.1/2 cents, it is found that the petitioner's father's father had sold the property more than what he got under 1980 partition deed.

4.It is admitted that the third respondent herein filed a petition before the Revenue Divisional Officer to cancel the sub-division on the ground that the sub-division effected in respect of petitioner's vendors is quite contrary to the partition deed wherein 8 persons were allotted different parcels of lands.

5.It is contended by the third respondent before the Revenue Divisional Officer that the entire property belonging to Velu Servai, was divided by metes and bounds by dividing the land with 8 plots whereas the sub-division was effected as if the property was partitioned and 7 plots have been allotted.

6.The first respondent has passed an order after issuing notice to the stakeholders, who were allotted or claimed title on the basis of subsequent transaction. The Assistant Director has filed a report stating that the subdivision was contrary to the partition deed. It appears that the sub-division was not effected on the basis of earlier partition of the year 1980.

7.Therefore, this Court *prima facie* find that the order passed by the first respondent is acceptable for all the sharers including the petitioner and the third respondent. The learned counsel for the petitioner has failed to prove as to how the order of the first respondent is contrary to the partition deed.

8.This Court cannot adjudicate disputed question of fact. Hence, giving liberty to the petitioner to establish her right or title before the appropriate forum, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2020

Sub Assistant Registrar (CS)



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To

1.The District Revenue Officer,
Sivagangai District.

2.The Tahsildar,
Sivagangai Taluk,
Sivagangai District.

+1 CC to SPL.GP (SR-6226[F] dated 13/02/2020)

+1 CC to MR.S.SRINIVASA RAGHAVAN, Advocate (SR-5728[F] dated
11/02/2020)

+1 CC to MR.T.LAJAPATHI ROY, Advocate (SR-5806[F] dated
12/02/2020)

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