



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.8876 of 2021

J.Suseela

... Petitioner

Vs

1.The Revenue Divisional Officer,
Arakkonam, Ranipet District.

2.The Tahsildar,
Arakonam Taluk, Ranipet District.

3.The Sub Registrar,
Arakonam Taluk, Ranipet District.

4.K.Sathiamoorthy

5.Babu @ Baskaran

... Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent to set aside the order of the 3rd respondent dated 09.01.2006 passed in Ni.Mu.A4PTA/2447/2005 based on the recommendations of the 3rd respondent in Na.Ka.P4/9594/2006 dated 04.08.2006.

For Petitioner : Mr.P.Chandrasekar

For Respondents : Mr.A.Selvendran,

1 to 3 Government Advocate

For Respondents : Mr.U.M.Sankaravelumurugan

4 & 5

O R D E R

This writ petition has been filed to issue a Writ of Mandamus directing the 2nd respondent to set aside the order of the 3rd respondent dated 09.01.2006 passed in Ni.Mu.A4PTA/2447/2005 based on the recommendations of the 3rd respondent in Na.Ka.P4/9594/2006 dated 04.08.2006.



2. The case of the petitioner is that the property comprised in Survey No.109/6 admeasuring 2.53 acres along with other properties owned by the petitioner's father-in-law Kanna Mandadi. He had three sons 1. K.Rajendran, 2. K.Haridass and 3. K.Jaganathan. By the partition deed dated 22.03.1979 registered vide Document No.740 of 1979 to an extent of 86 cents was allotted to one Jaganathan who is none other than petitioner's husband.

3. However, the petitioner was issued patta for the total extent of 2.53 acres comprised in Survey No.109/6. Therefore, after the demise of their father the two brothers namely Rajendran and Haridass filed the petition before the second respondent to issue joint patta in their name for the total extent of the property admeasuring 2.53 acres comprised in Survey No.109/6 situated at Perumalrajpet Village, Arakonam Taluk. After conducted due enquiry the second respondent issued joint patta in favour of 3 cents namely father of the respondents 4 and 5 and husband of the petitioner herein.

4. On 09.01.2006 the said order is under challenged in the present writ petition. Accordingly, they were issued joint patta. However, the petitioner's husband made another application to cancel the said joint patta before the second respondent. The second respondent by an order dated 04.08.2006 recommended for cancel the joint patta issued in favour of all three sons, for the reason that as per the partition deed dated 22.03.1979 registered vide Document No.740 of 1979 the father of the respondents 4 and 5 herein were not allotted any share.

5. It is pertinent to point out that insofar as the other properties are concerned by the partition deed dated 22.03.1979 partitioned between the father and three sons. Insofar as the property comprised in Survey No.109/6 admeasuring 2.53 acres is concerned, 86 cents was allotted in favour of the petitioner's husband and remaining share is with their father.

6. On the strength of the said partition deed the petitioner was issued a separate patta for the entire extent of the property comprised in Survey No.109/6 admeasuring 2.53 acres. After demise of their father namely Kanna Mandadi the other two brothers namely the father of the respondents 4 and 5 herein approached the second respondent for issuance of joint patta for the entire extent except the share which was allotted in favour of the petitioner's husband.



7. The second respondent rightly passed order to issue joint patta in favour of all three sons for the total extent of property admeasuring 2.53 acres. Therefore, the petitioner is entitled to have share only admeasuring 86 cents as per the partition deed dated 22.03.1979 registered vide Document No.740 of 1979. Hence, this Court finds no infirmity or illegality in the order passed by the second respondent dated 09.01.2006 and the writ petition is devoid on merits and liable to be dismissed. However, the petitioner is at liberty to proceed with the appeal before the first respondent.

8. In view of the above, this writ petition is dismissed. No order as to costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

rna

To

1.The Revenue Divisional Officer,
Arakkonam,
Ranipet District.

2.The Tahsildar,
Arakonam Taluk,
Ranipet District.

3.The Sub Registrar,
Arakonam Taluk,
Ranipet District.

+lcc to the Government Pleader, SR.No.57875

W.P.No.8876 of 2021

GJ(CO)
CB(01/12/2021)