



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No. 9558 of 2021

K.Kasthuri

..Petitioner

Versus

- 1.The District Collector
O/o. The Collectorate Building,
Kallakurichi District.
- 2.The Revenue Divisional Officer,
Thirukoviloor, Kallakurichi District.
- 3.Sundaramoorthy
- 4.Sekar
- 5.Santhi
- 6.Ramadoss
- 7.The District Registrar
No.257, Cuddalore Main Road,
Taluk Office Campus, Virudhachalam,
Cuddalore District.
- 8.The Sub Registrar Officer,
Ulundurpet Sub Registrar Office,
Ulundurpet, Kallakurichi District

[Respondents 7&8 impleaded as per
order dated 22.06.2021 made in

W.M.P.No.12307/2021 in W.P.No.9558/2021] ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to conduct an enquiry in respect of Partition Deed Doc.No.652/2016 dated 10.03.2016 registered with SRO, Ulundurpet, in respect of land to an extent of 3.43 acres comprised in Survey No.57/10C (1.10 acres land), Survey No.57/4 (60 cents land and 15 cents land of Well right), Survey No.65/1A, (72 cents land), Survey No.65/1B(30 cents land) and Survey No.65/2 (56 cents land), situated at Ulundurpet, Kallakurichi District.



WEB COPY

For Petitioner : Mr.N.Vijaya Baskar
For RR 1,2, 7&8 : Mr.K.M.D.Muhilan
Government Advocate
For RR 3 to 6 : Mr.M.Muruganantham

O R D E R

This Writ Petition has been filed for issuance of Writ of Mandamus directing the 2nd respondent to conduct an enquiry in respect of Partition Deed Doc.No.652/2016 dated 10.03.2016 registered with SRO, Ulundurpet, in respect of land to an extent of 3.43 acres comprised in Survey No.57/10C (1.10 acres land), Survey No.57/4 (60 cents land and 15 cents land of Well right), Survey No.65/1A, (72 cents land), Survey No.65/1B(30 cents land) and Survey No.65/2 (56 cents land), situated at Ulundurpet, Kallakurichi District.

2. The case of the petitioner is that the petitioner's father purchased the properties measuring an extent of 3.43 acres comprised in Survey No.57/10C (1.10 acres land), Survey No.57/4 (60 cents land and 15 cents land of Well right), S.No.65/1A, (72 cents land), S.No.65/1B(30 cents land) and S.No.65/2 (56 cents land), situated at Ulundurpet, Kallakurichi District and he was in possession and enjoyment of the same. The respondents 3 to 6 herein are the brothers and sisters of the petitioner. Apart from the property of the partition deed, there was one another property measuring to an extent of 31 cents stands in her father name in Survey Nos.7/4 and 8/1 situated at Ulundurpet, in which as one of the legal heir to her father, she is having 1/7th share over the said property, which was purchased by one Mrs.Malini. While purchasing the property by Mrs.Malini had informed that she had purchased 5/7th share vide sale deed document No.586/2017, dated 16.03.2017 on the file of SRO, Ulundurpet, and asked her to sell her respective portion of 1/7th share of 5.75 cents comprised in S.Nos.7/4B, S.No.8/1 (New Survey No.8/1A), which was sold out by her on 18.11.2020 vide Doc.No.3210/2020 on the file of SRO, Ulundurpet to the said Malini. After the demise of her parents, the petitioner's brothers and sisters are colluded among themselves, have entered into a Partition Deed vide Doc.No.652/2016, dated 10.03.2016 on the file of Sub Registrar Office, Ulundurpet, by using forged the petitioner's signature and without producing the original legal heir certificate of her parents and cheated her. On 18.11.2020, she came to know that the respondents 3 to 6 have colluded among themselves and created forged partition deed and forged the petitioner's signature and committed impersonation by production of fraudulent legal heir certificate of her parents, when the same was questioned with the



respondents 3 to 6, they threatened her and her son with dire consequences and grabbed her share over her father's property. Therefore, she made a detailed representation dated 20.03.2021 before the respondents 1&2 along with Revenue Records for conducting an enquiry with the respondents 3 to 6 and to cancel the entry of the partition deed dated 10.03.2016 on the file of SRO, Ulundurpet, and thereby to take appropriate action against the respondents 3 to 6 and their aided persons, who are all involved in creation of forged and fabricated documents, which was not at all considered by the respondents 1&2 are prolonging the issue by saying one among the other reasons. Hence, she has come forward with the present writ petition before this Court.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the 1st respondent to consider the petitioner's representation dated 20.03.2021 and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation or the case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, with a direction to the 2nd respondent/RDO to conduct an enquiry on the petitioner's representation dated 20.03.2021 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and respondents within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

Msm

To

- 1.The District Collector
O/o. The Collectorate Building,
Kallakurichi District.
- 2.The Revenue Divisional Officer,
Thirukoviloor, Kallakurichi District.



3.The District Registrar
No.257, Cuddalore Main Road,
Taluk Office Campus,
Virudhachalam,
Cuddalore District.

WEB COPY

4.The Sub Registrar Officer,
Ulundurpet Sub Registrar Office,
Ulundurpet, Kallakurichi District

+1cc to Mr.M.Muruganantham, Advocate, S.R.No.44432
+1cc to the Government Pleader, S.R.No.44555

W.P.No. 9558 of 2021

BP[co]
NSK 28/10/2021