



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.13165 of 2021

K.Annadhurai,
S/o. Kaliyaperumal

... Petitioner

Vs.

1. The Tahsildar,
O/o. Tahsildar Bhuvanagiri,
Bhuvanagiri & Taluk,
Cuddalore District,
Tamil Nadu.
2. The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Chidambaram,
Cuddalore Dt.
3. Krishnamoorthy
S/o. Kaliyaperumal
4. K.Thirisangu
S/o. Kaliyaperumal

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Respondents 1 and 2 to cancel the joint patta bearing No.3, 31 issued in the name of the 4th respondent and issue separate patta to the petitioner in respect of his land bearing S.No.27/2 (0.48 acres), 27/1 (0.15 acres), 28/12 (0.34 ½ acres), 28/11 (0.16 ½ acres), 19/14 (0.05 acres), 26/11 (0.26 acres) to a total extent of 1.45 acres at Periyankunam village, Bhuvanagiri Taluk, Cuddalore District and issue joint patta in the name of the petitioner and the respondents 3 and 4 in respect of the petitioner's deceased father property Kaliyaperumal viz., S.No.27/2 (0.33 acres) at Periyankunam village, Bhuvanagiri Taluk, Cuddalore District considering the petitioner's representation dated 01.04.2021.

For Petitioner : Mr.P.R.Thiruneelakandan
For Respondents: Mr.Yogesh Kannadasan,
Government Advocate for R1 and R2
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O R D E R

(The case has been heard through video conference)

WEB COPY The Writ Petition has been filed seeking a direction directing the respondents 1 and 2 to cancel patta issued in the name of 4th respondent and issue patta in the name of petitioner considering the petitioner's representation dated 01.04.2021.

2. In view of the order is going to be passed in the present Writ Petition, which will not prejudice the interest of the respondents 3 and 4, notice to the respondents 3 and 4 are dispensed with.

3. The grievance of the petitioner is that, the petitioner, 3rd and 4th respondents are brothers. Earlier, there was a family partition on 24.03.2003, in which, all brothers and father were given separate share. Thereafter, his father died intestate and all the legal heirs are entitled to his share in the property. But, the 4th respondent, without notice to other co-sharers, has obtained a patta in his name in respect of his father's share, apart from some of shares of the petitioner. In the said circumstances, the petitioner has made an application to the respondents 1 and 2 to cancel the patta and issue a separate patta in his favour on 01.04.2021. But, so far, his application was not considered and no order has been passed on it. Hence, the present writ petition has been filed by the petitioner.

4. Mr.P.R.Thiruneelakandan, learned counsel appearing for petitioner would submit that, the petitioner's application is pending with respondents 1 and 2. Hence, the 2nd respondent may be directed to consider and pass suitable orders on merits within a time to be fixed by this Court.

5. Considering the limited prayer sought in the Writ Petition, without going into the merits of the case, the 2nd respondent is directed to consider the petitioner's application and pass suitable orders on merits in accordance with law after hearing the petitioner as well as respondents 3 and 4 within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar



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To

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1. The Tahsildar,
O/o. Tahsildar Bhuvanagiri,
Bhuvanagiri & Taluk,
Cuddalore District,
Tamil Nadu.
2. The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Chidambaram,
Cuddalore Dt.

+1cc to the Government Pleader, S.R.No.29751

W.P.No.13165 of 2021

PCH(CO)
CB(23/07/2021)