



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.19878 of 2021

B.Nandakumar

...Petitioner

Vs.

1. The Revenue Divisional Officer,
Vaniyambadi Revenue Division,
Tirupattur District.

2. The Tashildar,
Vaniyambadi Taluk,
Tirupattur District.

3. Senbagavalli

4. Nagalakshmi

5. Samthi

6. Govidasamy

...Respondents

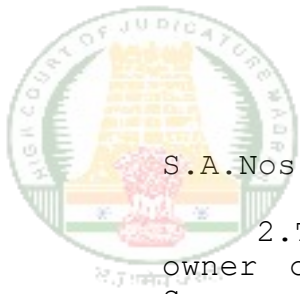
Prayer:Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the official respondents to mutate the revenue records in respect to land measuring an extent of 1.40 acres at Old Survey No.F-23/1, Old T.S.No.755, Ward No.F, Block No.23 New T.S.No.1, Devasathanam Thirumansolai Pudur Village, Vaniyambadi Municipality and Taluk presently at Tirupattur as per the Judgement of this Court dated 24.01.2019 made in S.A.Nos.602 & 603 of 2018 within the time fixed by this Court.

For Petitioner : Mr.B.Manoharan

For Respondent : Mr.Yogesh Kannadasan
for R1 and R2
Government Advocate

ORDER

This writ petition has been filed for issuance of a mandamus, to direct the official respondents to mutate the revenue records in respect to land measuring an extent of 1.40 acres at Old Survey No.F-23/1, Old T.S.No.755, Ward No.F, Block No.23 New T.S.No.1, Devasathanam Thirumansolai Pudur Village, Vaniyambadi Municipality and Taluk presently at Tirupattur as per the judgment of this Court dated 24.01.2019 made in



S.A.Nos.602 & 603 of 2018 within a time frame.

2.The case of the petitioner is that their family is the owner of the land measuring an extent of 1.45 acres at Old Survey No.F-23/1, Old T.S.No.755, Ward No.F, Block No.23 New T.S.No.1, Devasathanam Thirumansolai Pudur Village, Vaniyambadi Municipality and Taluk presently at Tirupattur and he inherited the same from his grandfather late. Shri.Gopal Gounder.

3.The petitioner submits that the respondents 3 to 5 are claiming the same along with other properties and filed a suit in O.S.No.303 of 1995 before the District Munsif Court, Vaniyambadi, the same was decreed.

4.The petitioner further submits that aggrieved by the same, the petitioner preferred an appeal in A.S.No.36 of 2014 and the other defendants filed a suit in A.S.No.6 of 2015, both before the Sub-Court, Vaniyambadi and the same was allowed, against which the private respondents filed Second Appeal in S.A.No.602 & 603 of 2018 before this Court, the above appeals were dismissed by this Court on 24.01.2019.

5.According to the petitioner, when the First Appeal was pending, the private respondents registered a Partition Deed vide Document No.2659 of 2017 before the Sub-Registrar, Vaniyambadi based on the civil court decree, pursuant to the orders of this Court in W.P.No.23924 of 2016 and also mutated the revenue records in their favour.

6.According to the petitioner, on 16.06.2021 he gave a representation to the respondent to mutate the revenue records based on the civil court decree more particularly based on the judgment of this Court dated 24.01.2019 made in S.A.Nos.602 & 603 of 2018 and the same was acknowledged by them, the authorities has not rendered any result.

7.The petitioner submits that the respondent officers advised him to approach this Court for getting a order and direction to the respondents to consider his claim for getting the revenue records mutated in favour of the petitioner.

8.The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondent the respondents to mutate the revenue records in respect to land measuring an extent of 1.40 acres at Old Survey No.F-23/1, Old T.S.No.755, Ward No.F, Block No.23 New T.S.No.1, Devasathanam Thirumansolai Pudur Village, Vaniyambadi Municipality and Taluk presently at Tirupattur as per the judgment of this Court dated 24.01.2019 made in S.A.Nos.602 & 603 of 2018 within a time fixed by this Court.



9.The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

10.Heard, learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the materials available on record.

11.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 official respondents to mutate the records in respect of land measuring to an extent of 1.40 acres at Old Survey No.F-23/1, Old T.S.No.755, Ward No.F, Block No.23 New T.S.No.1, Devasathanam Thirumansolai Pudur Village, Vaniyambadi Municipality and Taluk presently at Tirupattur as per the judgement and decree of the Second Appeal Nos.602 & 603 of 2018 dated 24.01.2019 within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gba/pam

To

1. The Revenue Divisional Officer,
Vaniyambadi Revenue Division,
Tirupattur District.

2. The Tashildar,
Vaniyambadi Taluk,
Tirupattur District.

+1cc to the Government Pleader, S.R.No.48591

W.P.No.19878 of 2021

SSV(CO)
RGA(22/11/2021)