IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.21661 of 2021

P.Rengasamy ...Petitioner

Versus

1. The Revenue Divisional Officer,
   Perambalur District.

2. The Tashildar,
   Veppanthattai Taluk,
   Perambalur District.

3. R.Veeman @ Poomalai ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 10.08.2021 (wrongly noted as 16.08.2021 by 1st respondent) within a time frame fixed by this Court.

For Petitioner : Mr.G.Ilamurugu

For RR1 & 2 : Mr.V.Veluchamy
Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing 1st respondent to consider the representation of the petitioner dated 10.08.2021 (wrongly noted as 16.08.2021 by the 1st respondent) within a time frame fixed by this Court.

2. According to the petitioner, his grandfather namely Mr.Pichaipillai had a larger extent of the properties by way of a registered sale deed and inherited the same as ancestral properties from his ancestors and was in possession and enjoyment of the same without any hindrance. He had three sons namely Pachaimuthu Konar, Poomalai and Ramar @ Ramasamy. The petitioner was born to Mr.Pachaimuthu Konar and his paternal

uncle Mr.Poomalai had one son Mr.Chinnasamy and another paternal uncle had three sons namely Duraisamy, Veeman @ Poomalai and Goindasamy. After the death of his great grandfather, the petitioner's father and his brother enjoyed the property for their lives and after their lifetime, the petitioner and the private respondents herein entered into a deed of partition among themselves registered as Document No.1393 of 1980 dated 30.06.1980 on the file of Sub-Registrar of Vaalikandapuram in respect of all the properties left some portions of the properties for ingress and egress for all of them in Survey No.346/4E of an extent of 0.18.0 hectare and measuring an extent of 0.18.0 in Survey No.346/4A and enjoyed the same in Common. Since the above said properties alone did not partition and utilized for ingress and egress in common, they keep the same in joint possession and a joint Patta Nos.1324 and 1263 was also issued by the 2nd respondent under the provisions of Section 10 of the Patta Pass Book Act. While so, the 2nd respondent without holding any enquiry effecting the sub-division of the said common property and transferring certain portions of the properties in Survey Nos.346/4E as 346/4E1 & 346/4E2 vide Patta Nos.3314 & 1324 on 20.10.2020 and thereby earmarked the property of an extent of 0.12.50 Hectare in Survey No.346/4E2 in favour of 3rd respondent and kept the remaining portion as 346/4E1 measuring to an extent of 0.05.50 Hectre as common. Likewise the property in Survey No.346/4A got sub-divided as 346/4A1 and 346/4A2 vide proceedings dated 20.10.2020 and earmarked the property in Survey No.346/4A2 measuring to an extent of 0.13.00 Hectare in favour of the 3rd respondent and keep the remaining portion of the property measuring to an extent of 0.05.00 Hectare in Survey No.346/4A1 as joint Patta Nos.3314 & 1263 respectively without any notice. In pursuant to the said sub division of the property at the instance of 3rd respondent, the Revenue Authority also mutated the FMB sketch and also by obstructing the pathway as kept in common enjoyment which is available as on this date. Therefore, he gave an objection before the 1st respondent to cancel the patta and the same had been forwarded to the 2nd respondent vide proceedings in O.Mu.A2/4690/2020, dated 19.11.2020, the representation dated 20.10.2020 was also forwarded by the 1st respondent to the 2nd respondent vide proceedings in O.Mu.A2/4473/2020 dated 18.11.2020, but, no action has been taken on the above said representation. Later, the petitioner sent another representation dated 10.08.2021 before the 1st respondent who in turn directed 2nd respondent to submit a detailed report vide proceedings in O.Mu.A2/4045/2021, dated 27.08.2021, but, till date, no action has been taken by the respondents. Hence, the petitioner has come forward with the present writ petition.

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 representation of the petitioner dated 10.08.2021 (wrongly noted as 16.08.2021 by the 1st respondent) within a time frame.

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 first respondent to consider the petitioner's representation dated 10.08.2021 (wrongly noted as 16.08.2021 by the 1st respondent) and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner and necessary parties within a period of four months from the date of receipt of a copy of this order. Consequently, W.M.P.No.22838 of 2021 is also closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gba

To

1. The Revenue Divisional Officer,
   Perambalur District.

2. The Tashildar,
   Veppanthattai Taluk,
   Perambalur District.

+1cc to Mr.G.Ilamurugu, Advocate, S.R.No.52691

W.P.No.21661 of 2021

SV-I[co]
NSK 06/12/2021