



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2021

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.NO.35632 OF 2019

S.Neelamegam

... Petitioner

.Vs.

1. The Tahsildar,
Thasildar's office,
Perambalur.
2. The Revenue Divisional Officer,
Revenue Divisional Officer's office,
Perambalur.
3. The District Collector,
Perambalur,
Perambalur District.
4. Deivanai
5. Karunanithi
6. Ramalingam

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of Constitution of India for writ of Mandamus, Directing the 1st respondent to restore the old survey number of 38/4A by cancelling the Sub-division of the same as 38/4A1 and 38/4A2.

For Petitioner : Mr.T.Gobinath

For Respondent No.1 to 3 : Mr.K.M.D.Muhilan
Government Advocate

Respondent No.5 : Mr.K.Ezilarasan



O R D E R

Writ petition has been filed in the nature of a mandamus, seeking a direction against the 1st respondent/Tahsildar, Perambalur to restore the old survey no.38/4A by canceling the sub division of the same as 38/4A1 and 38/4A2. The petitioner is a senior citizen and the 5th respondent herein is his brother. The property in survey nos. 38/4A measuring about 0.77.5 Ares and property in survey no. 38/4A1 measuring 0.19.0 Ares were sub divided as survey nos. 38/4A1 & 38/4A2 in view of the application given by one Deivanai W/o. Chellaperumal by an order dated 25.09.2015. The said Chellaperumal is another brother of the petitioner. Thereafter, all the brothers had entered into a registered partition on 22.03.2004. It is stated that a property has also been settled in the name of Deivanai on 03.11.2014. A further suit fled in O.S.No.390 of 2004 for partition was filed before the District Munsif Court, Perambalur. However, the Sub Collector, cancelled the sub division of the property by order dated 20.11.2015 and this was confirmed by the Revenue Divisional Officer by order dated 28.09.2017. After the said order, the petitioner had given representation to the Tahsildar/1st respondent herein to comply with the said directions. The Tahsildar appears to have addressed a letter to the learned Government Pleader on 12.12.2020 stating that since the writ petition is pending, he could not comply with the order of the Revenue Divisional Officer.

2. Now by this order, the writ petition is disposed of and a direction is given to the 1st respondent/Tahsildar to comply with the order of the Revenue Divisional Officer, dated 28.09.2017. The Tahsildar may enquire the petitioner and another persons necessary to be enquired, thereafter pass necessary orders within a period of twelve weeks from the date of receipt of a copy of this order.

3. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Tahsildar,
Thasildar's office,
Perambalur.
2. The Revenue Divisional Officer,
Revenue Divisional Officer's office,
Perambalur.
3. The District Collector,
Perambalur,
Perambalur District.

+1cc to M/s.D.Boopal, Advocate, S.R.No.40478

+1cc to Mr.E.K.Kumaresan, Advocate, S.R.No.40279

W.P.NO.35632 OF 2019

PCH(CO)
PBS/14/09/2021