



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2021

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.9226 of 2021

WEB COPY

S.K.Venkattassalapandian

... Petitioner

vs.

1.The Revenue Divisional Officer,
Devakottai.

2. The Tahsildar,
Devakottai Taluk,
Devakottai,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the 2nd respondent herein to consider the representation of the petitioner dated 10.02.2021.

For Petitioner : Mr.R.Sundar Srinivasan

For Respondents : Mr.P.Thilak Kumar,
Standing Counsel.

ORDER

Mr.P.Thilak Kumar, learned Standing Counsel accepts notice on behalf of the respondents.

2. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the second respondent to consider the representation of the petitioner dated 10.02.2021.

4. The case of the petitioner is that he is the descendant of Ambalakarar family of Kandadevi Village. Our ancestral house is situated in Natham site, now assigned Natham S.No.281/6, Kandadevi Village. There is a Oorani, which was used for abhishegam purpose of deity of Kandadevi Sri Muthumariamman. During Natham survey, the aforesaid property was sub divided into various sub divisions. The said property was shown as Item No.63 in the registered partition deed, dated 12.07.1947 in document No.917 of 1947 and sub divided as S.No.281/15, which was allotted to one Mayandi Ambalam, my senior paternal uncle and S.No.281/16 was allotted to one Perianan Ambalam, my another senior paternal uncle and to my father, Muthaiah Srinivasan Ambalam jointly. The said partition was prior to the Natham survey and therefore, natham survey should be carried out to



find out the respective enjoyment on the basis of the boundary recitals and other relevant particulars furnished in the partition deed. Such an identification of the property is required for finding out the eligibility for issuance of natham patta and also for demarcating the pathway. Since the boundary of Oorani has not been properly demarcated, the same has been subjected to encroachment. Even, the Panchayat has sought for locating the boundaries of the Oorani situated behind Natham S.No.281/6. I also requested the respondents to locate the boundaries of S.No.281/15 and 16 through my representation dated 01.02.2021 and also the pathways and also paid necessary fee. Since no action has been taken by the respondents, the present Writ Petition came to be filed.

5. The learned counsel for the petitioner would state that it would be suffice, if a direction is given to the respondents to dispose of the representation of the petitioner.

6. The learned Standing Counsel for the respondents would state that the representation of the petitioner would be considered within a reasonable time.

7. Considering the submissions of the learned counsel for the petitioner as well as the respondents and considering the facts and circumstances of the case, the respondents are directed to consider the representation of the petitioner dated 10.02.2021, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

kmm

Note:(i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:

1.The Revenue Divisional Officer,
Devakottai.

2. The Tahsildar,
Devakottai Taluk,
Devakottai,
Sivagangai District.

+1 CC to M/s.R.SUNDAR SRINIVASAN, Advocate (SR-18781[F] dated
04/06/2021)

+1 CC to M/s.SPL GP (SR-18933[F] dated 07/06/2021)

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TR(25.06.2021) 3P 5C