



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.15686 of 2021

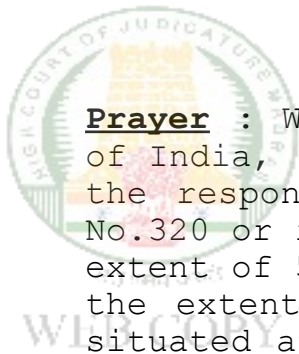
S.Ramachandran

... Petitioner

Vs.

- 1.The District Revenue Officer,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.
- 3.The Tahsildar,
Manamadurai Taluk,
Sivagangai District.
- 4.Jeyabharathi (F/65/2021),
W/o.Ramalingam (late).
- 5.Ramalakshmi (F/45/2021),
D/o.Ramalingam (late).
- 6.Jeyadevi (F/43/2021),
D/o.Ramalingam (late).
- 7.Muthukumari (F/41/2021),
D/o.Ramalingam (late).
- 8.Usharani (F/40/2021),
D/o.Ramalingam (late).
- 9.Indiragandhi (F/38/2021),
D/o.Ramalingam (late).
- 10.Meenakshi (F/37/2021),
D/o.Ramalingam (late).
- 11.Radha (F/36/2021),
D/o.Ramalingam (late).

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to include the petitioner's name in Patta No.320 or issue separate patta in respect of S.No.72/9(72/9B) to the extent of 52 Cents, S.No.72/5 to the extent of 55 Cents, S.No.2/1 to the extent of 60.5 Cents and S.No.73/1 to the extent of 13 Cents situated at T.Pudukottai, Manamadurai Taluk, Sivagangai District by considering the representation of the petitioner dated 09.03.2021.

For Petitioner : Mr.R.Gowrishankar
For R1 to R3 : Mr.P.Subbaraj
Counsel for State.

ORDER

The petitioner seeks a direction to respondents 1 to 3 to include his name either in Patta No.320 or issue a separate patta in respect of Survey Nos.72/9B, 72/5 (*) 2/1 and 73/1 as regards specific extents of property therein.

2. The petitioner claims title to the aforesaid properties under a registered partition deed dated 04.06.1973 between himself and his deceased brother. It is stated that the fourth respondent is such deceased brother's wife and respondents 5 to 11 are her daughters. The petitioner points out that in spite of the allotment of a share in the properties under the registered partition deed, Patta No.320 has been issued solely in the name of his brother. The present Writ Petition is filed to rectify this perceived anomaly.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 3. He submits that the third respondent may be directed to consider and dispose of the petitioner's representation on merits.

4. As indicated above, the petitioner has filed the registered partition deed dated 04.06.1973. On such basis, he is entitled to the consideration of his representation.

5. Accordingly, without going into the merits of the matter, the third respondent herein is directed to consider the petitioner's representation dated 09.03.2021 by taking into account the registered partition deed dated 04.06.1973. The third respondent shall provide a reasonable opportunity to the petitioner and to all the private respondents herein before issuing a reasoned order within a period of three (3) months from the date of receipt of a copy of this order. On account of the fact that the merits of the matter have not been gone into and because the third respondent has been directed to hear the private respondents before passing orders, the Writ Petition is disposed of without notice to such private respondents.



6. Accordingly, W.P.(MD).No.15686 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (T&P)

**(*)Correcting as per order of this
Hon'ble Court dated 05.10.2021**

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Tsg/nsr

Note : 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

**(*)To be Substituted the order already despatched
on 22.09.2021**

- 1.The District Revenue Officer,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.
- 3.The Tahsildar,
Manamadurai Taluk,
Sivagangai District.

+1 CC to M/s.R.GOWRISHANKAR, Advocate (SR-28175[F]
dated 06/09/2021)

+1 CC to M/s.SPL GP (SR-28212[F] dated 06/09/2021)

**W.P (MD) No.15686 of 2021
03.09.2021**

GC (20.09.2021) 3P 6C

GC (12.10.2021) 3P 6C

<https://hcservices.ecourts.gov.in/hcservices/>