



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.17758 of 2021

WEB COPY

Rasumuthuveeran

... Petitioner

Vs.

1.The District Revenue Officer,
Collectorate Office,
Madurai, Madurai District.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Usilampatti,
Madurai District.

3.The Tahsildar,
Usilampatti Taluk,
Madurai District.

4.Jeyaveranan

...Respondents

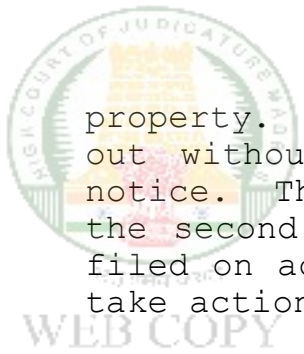
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to cancel the subdivision of the third respondent in respect of the property in S.Nos.48/3B1, 48/3B2 and 48/3B3 in Sikkampatti Village, Usilampatti Taluk, Madurai District and restore the same as S.No.48/3B as it is earlier position in the Revenue Records, based on the petitioner's petition dated 21.06.2021 and subsequent representation dated 09.09.2021.

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

ORDER

The petitioner seeks cancellation of the subdivision effected at the instance of the fourth respondent as regards the property bearing S.No.48/3B pursuant to his representation dated 21.06.2021.

2.The petitioner states that the property bearing S.No.48/3B originally belonged to his parents. Upon their demise, the said property was inherited by the petitioner and his brothers, Sivathiveeran and Sekaran. Patta No.1309 is cited in support of this contention. Subsequently, it is stated that the fourth respondent, who is the son of the petitioner's deceased brother, clandestinely applied for and obtained a subdivision of the



property. The petitioner alleges that such subdivision was carried out without putting the petitioner and his brother, Sekaran, on notice. Therefore, the petitioner had submitted a representation to the second respondent on 21.06.2021. The present writ petition is filed on account of the alleged failure of the second respondent to take action thereon.

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

4.The petitioner has enclosed a copy of Patta No.1309. The said patta relates to the property bearing S.No.48/3B. This patta has been issued in the name of Rasumuthuveeran, the petitioner herein, Sivathiveeran and Sekaran. A copy of a second Patta No.1309 is also enclosed. This patta is also in the name of the above mentioned three persons. However, this patta is in respect of the subdivided S.Nos.48/3B1 and 48/3B3. Another patta bearing No.1452 is also enclosed. This patta has been issued in the name of the fourth respondent and is in respect of the subdivided S.No.48/3B2. On the basis of these documents, the petitioner has made out a case for the consideration of his representation.

5.Accordingly, the second respondent is directed to consider the petitioner's representation dated 21.06.2021 seeking cancellation of subdivision and restoration of the original status. Such representation shall be considered and disposed of by a reasoned order after providing a reasonable opportunity to the petitioner and all the pattathars under Patta Nos.1309 and 1452. Such reasoned order shall be issued 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 second respondent has been directed to hear the fourth respondent before taking a decision, the writ petition is disposed of without notice to the private respondent.

6.W.P.(MD).No.17758 of 2021 is disposed of on these terms without any order as to costs.

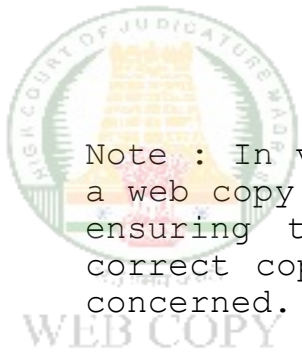
Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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

- 1.The District Revenue Officer,
Collectorate Office,
Madurai, Madurai District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Usilampatti,
Madurai District.
- 3.The Tahsildar,
Usilampatti Taluk,
Madurai District.

+1 CC to M/s.SPL.GP (SR-31011[F] dated 04/10/2021)

W.P (MD) .No.17758 of 2021
01.10.2021

RK(12.10.2021) 3P 5C