



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1908 of 2022

S.Prabakaran

...Petitioner

Vs.

The Tahsildhar,
Uthangarai Taluk,
Krishnagiri District.

...Respondent

PRAYER:The Writ Petition filed under Section 226 of Constitution of India, pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or direction in the nature of Writ directing the respondent to consider and pass orders on the petitioner's representation dated 19.10.2021, which was sent by the petitioner to sub divide the land in Survey No.30/4 at Maganoor Patti Village, Uthangarai Taluk, Krishnagiri District and to grant patta in favour of the petitioner in respect of his 1/5th share in the above said property.

For Petitioner : Mr.S.Sathish Rajan

For Respondent : Mr.T.Chezhiyan
Additional Government Pleader

O R D E R

Writ Petition has been filed to consider and pass orders on the petitioner's representation dated 19.10.2021, which was sent by the petitioner to sub divide the land in Survey No.30/4 at Maganoor Patti Village, Uthangarai Taluk, Krishnagiri District and to grant patta in favour of the petitioner in respect of his 1/5th share in the above said property.

2.Since no adverse orders are passed against the respondents, notice to them is not necessary and this Court is inclined to dispose of the matter, based on the available materials.

3.The case of the petitioner is that the petitioner's sisters filed a Suit for partition in O.S.No.385 of 1995 on the file of Sub-Court, Krishnagiri, claiming 1/7th share in respect to properties comprised in various survey numbers situated at Andiyur Village, Uthangarai Taluk, Krishnagiri District and the Trial Court by its Preliminary Decree granted partition in respect to properties comprised in S.F.No.11/2, 30/4 of Maganoor



Patti Village, Uthangari Taluk, Krishnagiri District and dismissed the suit with regard to the properties comprised in S.F.No.2/1, 2 2/2A and 2/2B of Andiyur Village, Uthangarai Taluk, Krishnagiri District. As per the preliminary Decree, the petitioner having 1/5th share in S.F.No.30/4 from and out of the total extent of 5.60 acres at Maganoor Patti Village, Uthangari Taluk, Krishnagiri District. Hence it is just and necessary to sub divide the land in S.F.No.30/4 and in this regard, the petitioner sent a detailed representation to the respondent herein on 19.10.2021, requesting the respondent herein to sub divide the land in S.F.No.30/4. In spite of receipt of the said representation, the same has not been considered till date. Hence the petitioner is before this Court by filing this petition.

4.Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondent to consider the petitioner's representation dated 19.10.2021 and pass orders on the same within a particular time frame fixed by this Court.

5.The learned Additional Government Pleader has no objection for said order being passed.

6.In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the respondent to consider the petitioner's representation dated 19.10.2021 on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sk

To

The Tahsildhar,

Uthangarai Taluk,

Krishnagiri District.

+lcc to Mr.S.Sathish Rajan, Advocate, S.R.No.8624

+lcc to the Government Pleader, High Court, Madras, S.R.No.9250

W.P.No.1908 of 2022

SS(CO)

RGA(11/03/2022)