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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.2665 OF 2022

AND

W.M.P.NO.2819 OF 2022

R.Senthilkumar

... Petitioner

Vs.

1. The Thasildar,
Kunnam Taluk,
Perambalur District.

2. The Taluk Surveyor,
Office of Taluk Office,
Kunnam Taluk,
Perambalur District.

3. Smt.Simladevi

... Respondents

PRAYER: The Writ Petition filed under Section 226 of Constitution of India, pleased to issue a Writ of Mandamus or any other appropriate writ, or direction in the nature of writ, forbearing the respondents 1 and 2 from demarcating the properties in S.F.No.205/11A, 205/4C4 and 205/11B at Kelapuliyur (South) village of Kunnam Taluk in Perambalur District in pursuance of the representation dated 25.01.2022 made by the petitioner to the first respondent.

For Petitioner : Mr.S.Vijayakumar

For Respondents : Mr.T.Chezhiyan
Additional Government Pleader



O R D E R

The petitioner has filed this writ petition forbearing the respondents 1 and 2 from demarcating the properties in S.F.No.205/11A, 205/4C4 and 205/11B at Kelapuliyur (South) village of Kunnam Taluk in Perambalur District in pursuance of the representation dated 25.01.2022 made by the petitioner to the first respondent.

2. Since no adverse orders are passed against the respondents, notice to them is not necessary and this Writ Petition is disposed of based on the available materials.

3. The case of the petitioner is that the petitioner is the co-holder of the property. The said property was allotted to the petitioner and the same was purchased by his father and inherited by him by way of legatee. Some of the joint Patta holders are no more and the legal heirs of the deceased are enjoying the above mentioned properties jointly. The said property is not yet been apportioned within all of them and till date, the Patta also stands as joint-patta. In this regard, a civil suit was pending between the petitioner and his family members for partition before the Sub-Court, Perambalur vide O.S.No. 21675 of 2021. In the meanwhile, without making any apportionment of the said properties, the third respondent, who is the other legal heir, had filed the writ petition before this Court bearing W.P.No.21675 of 2021, without impleading the petitioner as one of the party there in. While measuring the property, the second respondent issued a notice on 21.01.2022, stating that the third respondent objecting the same. Thereafter, the petitioner made a representation to the first respondent on 25.01.2022. However, till date, the representation was not considered. Hence the present case.

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 1st respondent to consider the petitioner's representation dated 25.01.2022 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 1st respondent to consider the petitioner's representation dated 25.01.2022 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



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accordingly disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

rgi/sk

To

1. The Thasildar,
Kunnam Taluk,
Perambalur District.
2. The Taluk Surveyor,
Office of Taluk Office,
Kunnam Taluk,
Perambalur District.

+1cc to Mr.S.Vijayakumar, Advocate, S.R.No.10074

+1cc to the Government Pleader, High Court, Madras, S.R.No.10817

W.P.No.2665 of 2022
and W.M.P.No.2819 of 2022

AK-II(CO)
RLP(10/03/2022)