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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4679 of 2022

Seenivasan

...Petitioner

Vs.

1.The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.

2.The Tahsildhar,
Penagaram Taluk,
Dharmapuri District.

3.Pandiraji

4.Kumar

...Respondents

PRAYER : The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Mandamus or any other Writ or order or direction in form of Writ directing the 1st respondent to dispose of the petitioner appeal dated 26.08.2020 within a stipulated period in accordance with law.

For Petitioner	:	Mr.M.Selvam
For Respondents	:	Mr.M.Murali Government Advocate

O R D E R

Writ Petition has been filed to direct the 1st respondent to dispose of the petitioner appeal dated 26.08.2020 within a stipulated period in accordance with law.

2. Mr.M.Murali, learned Government Advocate takes notice for the respondents 1 & 2.

3. Since no adverse order is being passed against the private respondents, notice to respondents 3 & 4 is dispensed with.

4. The case of the petitioner is that originally the disputed property stands in the name of the Mathey Gounder, who



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has two sons, one is the petitioner's father Duraisamy and the other one is Pandiraji/3rd respondent. Initially the patta stands in the name of the petitioner's father. After the demise of Mathey Gounder, the patta stands in the name of the petitioner's father. While being so, the petitioner's father died on 20.01.2008, and after his demise, his legal heirs names have been mutated in the patta bearing No.1404, 2615, 1529, 2617, 2616 and 210. When the petitioner intended to do partition the subject properties, it is found that the 3rd and 4th respondents names were wrongly mutated in the patta. Hence, the petitioner made representation dated 26.08.2020 to delete the name of 3rd and 4th respondents from patta bearing No.1404, 2615, 1529, 2617, 2616 and 210 and to add the name of the legal heirs of the petitioner's father.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the 1st respondent to consider the petitioner's representation dated 26.08.2020 and dispose of the same in accordance with law within a particular time frame fixed by this Court.

6. The facts of the present case is not in dispute. Admittedly, entire property is owned by one Mathey Gounder. The petitioner claims that by way of oral partition, the said property was partitioned between the petitioner's father and the 3rd respondent. Since, the said partition had happened only through oral partition, therefore, the said oral partition has to be established before the competent Court and mere patta granted in favour of the petitioner's father and the 3rd respondent will not deprive the right of the petitioner and patta is not a title. In view of the above, this Court directs the petitioner to establish the oral partition before the competent Civil Court and establish the title in his favour and thereafter, make representation before the revenue officials. Without doing so, straight away making application before the revenue officials based on the oral partition is not sustainable. Hence, the prayer sought for in the petition can not be granted.

7. Accordingly, this writ petition is dismissed. However, liberty is granted to the petitioner to work out his remedy in accordance with law. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

rgi/nhs



To

1.The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

2.The Tahsildhar,
Penagaram Taluk,
Dharmapuri District.

+1cc to Mr.M.Selvam, Advocate, S.R.No.14433

+1cc to the Government Pleader, S.R.No.15072

W.P.No.4679 of 2022

PA (CO)
RVM(24/03/2022)