



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.5275 of 2022

S.Ganesh Kumar

... Petitioner

Vs.

1.The District Collector,
Vellore District,
Sathuvachari,
Vellore.

2.The Revenue Divisional Officer,
Gudiyattam,
Vellore District.

3.The Tahsildar,
Taluk Office,
Gudiyattam,
Vellore District.

4.M.V.Kumar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the petitioner's representation dated 17.01.2022 to correct the erroneous sub division made in S.F.No.41/2B as S.F.Nos.41/2B1 (0.18.70 Hrs) and 41/2B2 (0.06.30 Hrs) of Amanankuppam village, Gudiyattam Taluk and to restore the original entries in Patta No.65 as it stood prior to 30.06.2018.

For petitioner : Mr.N.Manokaran

For Respondents : Mr.G.Nanmaran
Special Government Pleader



ORDER

The petitioner has filed this petition seeking direction to respondents 1 to 3 to consider the petitioner's representation dated 17.01.2022 to correct the erroneous sub division made in S.F.No.41/2B as S.F.Nos.41/2B1 (0.18.70 Hrs) and 41/2B2 (0.06.30 Hrs) of Amanankuppam village, Gudiyattam Taluk and to restore the original entries in Patta No.65 as it stood prior to 30.06.2018.

2. Mr.G.Nanmaran, learned Special Government Pleader takes notice for the respondents. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. Since, no adverse order is being passed against the fourth respondent, notice to the fourth respondent is dispensed with.

4. The case of the petitioner is that petitioner is the owner of the property comprised in S.F.No.41/2B situated at Ammanankuppam Village, Gudiyattam Taluk, Vellore District. The petitioner's father was in possession and enjoyment of the said property till his death. The petitioner's father died on 03.05.2001, leaving behind the petitioner, his wife, his two sons including the petitioner and two daughters as legal heirs to succeed his property. Thereafter, all the legal heirs entered into a registered partition deed dated 12.05.2003, in which the subject matter 69 cents was allotted to the petitioner. Thereafter, the petitioner obtained a computer copy of Patta No.65, dated 26.05.2018, wherein all the names of the legal heirs of his father are reflected correctly. While so, a sub-division was effected in respect of SF.No.41/2B, measuring 0.25.00 Hrs. On perusal of the computer Patta the petitioner came to know that SF.No.41/2B has been sub divided into SF No.41/2B1 in the name of petitioner and SF No.41/2B2 in the name of the fourth respondent, without providing any opportunity to the petitioner. Hence, the petitioner made a representation to the respondents to cancel the Patta which stands in favour of the fourth respondent and to issue Patta in his name. However, till date no action has been taken by the respondents on the representation made by the petitioner. Hence, the present Writ Petition has been filed by the petitioner for the above relief.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this



Court directs the respondents to consider the petitioner's representation, dated 17.01.2022 and pass appropriate orders within the time frame that may be fixed by this Court.

6. The learned Special Government Pleader appearing for the respondents submits that the petitioner's representation dated 17.01.2022 will be considered by respondents within the time frame that may be fixed by this Court.

7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the respondents to consider the petitioner's representation dated 17.01.2022, and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order, after affording an opportunity to the fourth respondent.

8. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

SD/-

ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

tri/skt

To

1. The District Collector,
Vellore District,
Sathuvachari,
Vellore.

2. The Revenue Divisional Officer,
Gudiyattam,
Vellore District.

3. The Tahsildar,
Taluk Office,
Gudiyattam,
Vellore District.

+1cc to the Government Pleader Sr.16658
+1cc to Mr.N.Manokaran, Advocate Sr.16179

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srg 25/03/2022