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W.P.No.25825 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.25825 of 2022

Sampangiyamma

... Petitioner

Vs.

1.The Tashildar,
Hosur Taluk Office,
Krishnagiri District.

2.The Head Surveyor,
Hosur Taluk Office,
Krishnagiri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the first respondent to consider the petitioner representation dated 08.04.2022 to make a sub-division and issue a separate joint patta for the property in bearing Survey No.136/4A1C admeasuring to an extent 14 cents situated at Zuzuvadi Village, Hosur Taluk, Krishnagiri District.

For Petitioner : Mr.N.Velu

For Respondents : Mr.T.K.Saravanan,



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Government Advocate

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ORDER

The petitioner has filed this petition seeking direction to the first respondent to consider the petitioner representation dated 08.04.2022 to make a sub-division and issue a separate joint patta for the property in bearing Survey No.136/4A1C admeasuring to an extent 14 cents situated at Zuzuvadi Village, Hosur Taluk, Krishnagiri District.

2. The case of the petitioner is that the property situated in Survey No.136/4A1C admeasuring to an extent 14 cents in Zuzuvadi Village, Hosur Taluk, Krishnagiri District was originally belongs to the grand father of petitioner's husband viz., Kulappa and after his demise, the subject property was enjoyed by the legal heirs of said Kulappa viz., Marappa, Thayappa, Ramaiah and Kempaiah without partition. Thereafter, the legal heirs executed a partition deed and registered the same in Document No.2415 of 1957 before the Sub-Register Office, Hosur, Krishnagiri on 26.07.1957. Based on this deed, an extent of 46 cents was allotted to the father of petitioner's husband viz., Kempaiah and after his demise, the said 46 cents



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was enjoyed by his legal heir viz., Narayannappa, who is the husband of the petitioner.

3. While so, the petitioner's husband was died on 24.09.2020 leaving behind his legal heir viz., Sampangiyamma (petitioner), Saraswathi, Vimala, Sunanda, Kavitha, namitha and Ravikumar. However, the petitioner's husband sold out 32 cents in Survey No.136/4A1 and enjoying the remaining 14 cents in the said survey number. Since the demise of petitioner's husband, the respective shares were still stands in the name of late Narayanappa in joint patta and later the petitioner was also added as a joint patta holder in patta No.824, Survey No.136/4A1C in respect of the aforesaid 46 cents vide proceedings of the Zonal Deputy Tahsildar dated 28.01.2022. Now, the petitioner and other legal heirs are also entitled for 14 cents of land out of 46 cents. Therefore, the petitioner has made a representation dated 08.04.2022 before the first respondent to make sub division in the said property and issue a separate patta in favour of the petitioner and other legal heirs. However, the first respondent has not taken any steps. Hence, this writ petition.

4. Though very many grounds have been raised in this Writ Petition,



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learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the respondents to consider the petitioner's representation dated 08.04.2022 and pass orders on merits within a particular time frame to be fixed by this Court.

5. The learned Government Advocate appearing for the respondents has no objection for said order being passed.

6. Heard the learned counsel on either side and perused the materials placed on record.

7. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 08.04.2022 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as aggrieved persons, within a period of twelve weeks from the date of receipt of a copy of this order.



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8. With the above direction, this Writ Petition is disposed of. No costs.

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Index : Yes/No

Speaking Order : Yes/No

To:

1.The Tashildar,
Hosur Taluk Office,
Krishnagiri District.

2.The Head Surveyor,
Hosur Taluk Office,
Krishnagiri District.



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M.DHANDAPANI,J.

Vm

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