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W.P.No.29060 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.29060 of 2022

P.Muthusamy

... Petitioner

VS.

1.The Collector,
Collectorate at Dharmapuri,
Dharmapuri District.

2.The Tahsildar,
Harur Taluk,
Dharmapuri District.

3.The Head Surveyor,
Harur Taluk,
Dharmapuri District.

4.M.Senthil

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 2nd respondent to sub-divide the property situated in No.110/2 to an extent of 4 acres out of total extent of 4.67 acres of agricultural land in Veepanatham Village, Harur Taluk and transfer the patta in favour of the petitioner after conducting due enquiry regarding the same and after demarcating the property by metes and bounds by the 3rd respondent.



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For Petitioner : Mr.K.Venkateswaran

For Respondents : Mr.U.Baranidharan for RR1 to 3
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the 2nd respondent to sub-divide the property situated in No.110/2 to an extent of 4 acres out of total extent of 4.67 acres of agricultural land in Veepanatham Village, Harur Taluk and transfer the patta in favour of the petitioner after conducting due enquiry regarding the same and after demarcating the property by metes and bounds by the 3rd respondent.

2.Since no adverse order is being passed as against the 4th respondent, notice to the 4th respondent is dispensed with.

3.The case of the petitioner is that he is the absolute owner of the property in S.Nos.208/4, 109/4 and 110/2 measuring to an extent of 8.59 Acres situated in Veepanatham Village, Harur Taluk, Dharmapuri District. While so, the 4th respondent with an malafide intention took the petitioner to the Sub Register Office, Harur, as if he wanted the petitioner to sign as a



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witness to the document and fraudulently executed a Partition Deed registered as Document No.4703 of 2018 dated 04.10.2018. On gaining knowledge about the fraudulent registration, the petitioner made a detailed representation to the 1st respondent and the 1st respondent vide Na.Ka.No.1352/2019/A4 dated 16.10.2019 directed the 4th respondent to pay a sum of Rs.3,000/- per month towards maintenance to the petitioner, whereas, the 4th respondent failed to do so. Therefore, the petitioner made an application for cancellation of the Partition Deed dated 04.10.2018. The 1st respondent after hearing both the parties and holding an enquiry, passed an order dated 04.12.2019 cancelling the above said partition deed. In view of the said order, allotment/return of 4 acres of land has been entered in to the Encumbrance Certificate. Thereafter, the petitioner made an online application for sub-division and transfer of patta in favour of the petitioner and also paid necessary charges for the same. However, no order was passed, thereafter, the petitioner on two occasions dated 04.08.2022 and 27.05.2022 gave representations, but, till date petitioner's representations were not considered and no order has been passed. Hence, the petitioner has come forward with the present Writ Petition.

4.The learned counsel for the petitioner submits that it would suffice, if



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this Court issues direction to the 2nd respondent to sub-divide the property situated in No.110/2 to an extent of 4 acres out of total extent of 4.67 acres of agricultural land in Veepanatham Village, Harur Taluk and transfer the patta in favour of the petitioner and pass appropriate orders.

4.Mr.U.Bharanidharan, learned Additional Government Pleader, appearing for the respondents submits that if any direction is given by this Court, the same will be complied with.

5.In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the 2nd respondent to consider the petitioner's application dated 27.05.2022 and pass appropriate orders, on merits and in accordance with law, after affording opportunity of hearing to the petitioner as well as the interested persons and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

6.This Writ Petition is accordingly is disposed of. No costs.

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Index : Yes/No
Speaking Order : Yes/No



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M.DHANDAPANI,J.

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