



W.P.No.30763 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30763 of 2022

Shankar

... Petitioner

Vs.

1.The District Collector,
Collector Office,
Krishnagiri District.

2.The District Revenue Officer,
District Revenue Office,
Krishnagiri District.

3.The Tahsildar,
Tahsildar Office,
Krishnagiri District.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to carry out necessary mutation in the village records by entering the petitioner's name as pattathar of the property, viz., having an extent of 0.98.20 Ares is comprised in Survey No.413/1, in Kattinaickanapalli Village, Krishnagiri District, and as per Court final decree and judgment passed by the additional Special Court, Krishnagiri in O.S.No.59 of 2007 and the same was registered Partition Deed D.No.2450 of 2021 dated 12.08.2021 on the file of the SRO,



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Krishnagiri District and to issue patta in the name of the petitioner by considering the representation to the 3rd respondent dated 28.09.2022.

For Petitioner : Mr.P.M.Jayachandran

For Respondents : Mr.U.Bharanidharan
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to carry out necessary mutation in the village records by entering the petitioner's name as pattathar of the property, viz., having an extent of 0.98.20 Ares is comprised in Survey No.413/1, in Kattinaickanapalli Village, Krishnagiri District, and as per Court final decree and judgment passed by the additional Special Court, Krishnagiri in O.S.No.59 of 2007 and the same was registered Partition Deed D.No.2450 of 2021 dated 12.08.2021 on the file of the SRO, Krishnagiri District and to issue patta in the name of the petitioner by considering the representation to the 3rd respondent dated 28.09.2022.

2.The case of the petitioner is that, the property in S.Nos.412/1B, 413/1 & 414/3 originally belongs to his ancestors and after the demise of



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the petitioner's father, the petitioner along with his co-share holders filed a suit against the defendants therein in O.S.No.59 of 2007, on the file of the Additional Special Court, Krishnagiri for seeking a partition and divided in to three equal shares in respect of the above said property and the same was set ex-parte against the defendants vide its order dated 21.06.2010. Thereafter, the defendants filed an application in I.A.No.64 of 2016 in O.S.No.59 of 2007 and the same was dismissed vide order dated 24.01.2017. The trial Court passed an order of appointment of advocate Commissioner and after inspection, the Advocate Commissioner submitted a report along with a sketch before the trial Court. Thereafter, the petitioners therein filed an application in I.A.No.64 of 2011 for passing final decree based on the Commissioner's report and a final decree was passed on 27.01.2020, dividing three equal shares A,B and C to the plaintiffs therein. While so, the petitioner along with his co-sharers partitioned the said property vide registered Partition Deed in Doc.No.2450 of 2021 dated 12.08.2021 on the file of SRO, Krishnagiri. Based on which the petitioner along with his brother are in joint possession and enjoyment of the family property share of “B” schedule property measuring an extent of 0.98.20 Ares comprised in S.No.413/1. Under these circumstances, the petitioner



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made an application before the 3rd respondent to carry out the necessary mutation in the village records and to issue separate patta in favour of the petitioner by remitting necessary fee for the same, but, till date the same has not been considered and hence, the petitioner has filed this Writ Petition.

3.Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 28.09.2022 and pass orders on the same within a particular time frame fixed by this Court.

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

5.This Court vide its order dated 18.11.2022 directed the respondents to consider the petitioner's representation dated 28.09.2022 and pass appropriate orders on the same. However, the same was not complied with. Therefore, this Court without expressing any opinion on the merits of the



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case directs the respondents to consider the petitioner's representation dated 28.09.2022 on merits and in accordance with law and pass appropriate orders, within a period of two weeks from the date of receipt of a copy of this order.

6.This writ petition is accordingly disposed of. No costs.

30.11.2022

gba

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

- 1.The District Collector,
Collector Office,
Krishnagiri District.
- 2.The District Revenue Officer,
District Revenue Office,
Krishnagiri District.

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3. The Tahsildar,
Tahsildar Office,
Krishnagiri District.

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M.DHANDAPANI, J.

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