



W.P.(MD)No.24416 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W/.P. (MD) No.24416 of 2022
and
W.M.P.(MD)No.18511 of 2022

P.Sundararaj

.. Petitioner

Versus

- 1.The District Collector,
Office of the Collectorate,
Karur District.
- 2.The Revenue Divisional Officer,
Office of the Collectorate,
Karur District.
- 3.The Tahsildar,
Taluk Office,
Karur District.
- 4.The Sub Registrar,
West Karur Sub Registrar's Office,
Karur.
- 5.P.Arumugam
- 6.A.Praveen
- 7.S.Sownam
- 8.S.Sugumar
- 9.S.Chanthriga
- 10.A.Krithiga

.. Respondents

[Respondents 5 to 10 were impleaded vide Court order dated 03.11.2022]



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Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the third respondent to restore the petitioner's property in Old Survey No.307/2P by cancelling its sub division as Survey Nos.307/2P1 and 307/2P2 of Inam Karur Village Karur Taluk, Karur District and consequently direct the third respondent to restore the original patta in Patta No.1009 as joint patta for all the sharers on the basis of the petitioner's representation dated 18.04.2022.

For Petitioner : Mr.V.Balaji
For R1 to R4 : Mr.D.Gandhiraj
Special Government Pleader

ORDER

The petitioner has filed this Writ Petition seeking for issuance of a Writ of Mandamus, directing the third respondent to restore the petitioner's property in Old Survey No.307/2P by cancelling the sub division as Survey Nos. 307/2P1 and 307/2P2 of Inam Karur Village, Karur Taluk, Karur District and consequently direct the third respondent to restore the original patta in Patta No.1009 as joint patta for all the sharers on the basis of the petitioner's representation dated 18.04.2022.

2.Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 4.



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3. The grievance of the petitioner is that the property in S.No.307/2P to an extent of 4.89 acres is the joint family property of the petitioner's grandfather. After the demise of his grandfather and his father, the property was jointly enjoyed by the petitioner and his brother. Patta was also stood in the name of the joint family in Patta No.1009. The petitioner filed a suit in O.S.No.473 of 2016 on the file of the Sub Court, Karur against his brother and others seeking partition. During the pendency of the said suit, the brother of the petitioner attempted to alienate the properties by colluding with the real estate owners and also subdivided the property into S.Nos.307/2P1 and 307/2P2. Separate patta was also granted. Hence, the petitioner filed a suit in O.S.No.168 of 2019 to declare the sub division as null and void. Both the suits are pending. An interim injunction was also granted against the Town Planning Authorities and the Sub Registrar not to proceed further in pursuance of the above illegal sub division.

4. Despite the same, since the third respondent herein has made an attempt to make changes in the revenue records, the petitioner herein had given a representation on 07.01.2022 to the Special Officer for Patta to cancel the sub division of original Survey Number in S.No.307/2P and to convert the separate patta as join patta. Since no action has been taken on the said



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representation, the petitioner sent another representation, dated 18.04.2022 to the first respondent and the same was forwarded to the third respondent through the second respondent. But no action has been taken by the third respondent. Hence, the petitioner is before this Court.

5.The learned counsel for the petitioner submitted that the third respondent, even after the repeated request made by the petitioner, did not chose to consider the request of the petitioner.

6.The learned Special Government Pleader appearing for the official respondents submitted that the petitioner had filed an objection on 24.11.2021 to the respondent to the sub division effected to the Survey No.307/2P as 307/2P1 and 307/2P2 by the Tahsildar concerned and sought to cancel the said sub division. The Tahsildar, Karur has given his recommendation to the Revenue Divisional Officer, Karur for cancelling the said sub division. Now the same is pending before the Revenue Divisional Officer, who is the appellate authority and appropriate orders will be passed on the representation of the petitioner shortly.

7.Recording the submission made by the learned Special Government Pleader, this Court directs the second respondent to consider the representation



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of the petitioner, dated 18.04.2022 based on the recommendation made by the third respondent, after giving notice to the petitioner and the rival claimants, if any, and pass appropriate orders on the same on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order. Thereafter, the third respondent shall proceed further as per the order of the third respondent.

8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

03.11.2022

Index : Yes/No
Internet : Yes/No
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To

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V.BHAVANI SUBBAROYAN, J.

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Order made in
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