



WP (MD) No.13485 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.13485 of 2016

D.Ramachandran

... Petitioner

Vs

1.The Revenue Divisional Officer (RDO),
Tiruchirappalli.

2.The Tahsildar,
Tiruvarampur Taluk,
Tiruchirappalli District.

3.The Sub Registrar,
Sub Registrar Office,
Kailash Nagar,
Thiruvarampur,
Tiruchirappalli District.

4.Samikannu

5.Sakunthala

6.Rajakumari

7.Radhika

8.Kalaiyarasi

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents 2 and 3 to take action on the basis of the representation of the petitioner of the petitioner dated 23.06.2016.

For petitioner : No appearance

For Respondent : Mr.J.K.Jeyaseelan,
Nos.1 to 3 Government Advocate

For Respondent : Mr. K.Sekar
Nos. 4 to 8

ORDER

This writ petition has been filed for a writ of mandamus directing the respondents 2 and 3 to take action based on the petitioner's representation dated 23.06.2016. The petitioner has sent a legal notice through his counsel not to make any changes in the patta.

2.This writ petition was filed in the year 2016. When the writ petition was taken up for hearing on 12.04.2023, the learned Counsel has filed a memo that he has withdrawn the vakalath and requested to issue notice to the petitioner. Accordingly notice was sent to the petitioner and the notice sent to the petitioner was returned with an endorsement 'no such addressee.'



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3. This Court perused the averments made in the writ petition.

4. The petitioner claims that the petitioner and the respondents 4 to 7 are the brothers and sisters and children of Dhandayutham and Pushpam. The said Dhandayutham died intestate on 10.06.1998 and the mother Pushpam died intestate on 04.02.2004. The petitioner and the respondents 4 to 7 constituted a hindu undivided family and the said joint family possessed number of properties which devolved upon the petitioner and respondents 4 to 7 herein. The 4th respondent is the eldest male member of the family and he was in management of the joint family after the death of the father. During the life time of the father, the said Dhandayutham was ill and therefore, as the eldest male member, it was the 4th respondent who was managing the joint family. During the life time of the said Dhandayutham, property comprised in S.No.164/13 of an extent of 1 acre 7 cents in Navalpattu Village, which belonged to the joint family was acquired for BHEL and the BHEL offered employment to the members of the families whose properties were acquired and as such the 4th respondent got employment in BHEL in view of the land acquisition of the joint family property. The 4th respondent filed a suit in OS.No.902 of 2009 on the file of the 1st Additional Sub Court, Tiruchirappalli claiming the relief of partition in respect of



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the other joint family properties excluding S.No.12/9 and thereupon, the petitioner came to know that the said property came to be purchased in the name of the 8th respondent though the purchase was made out from joint family funds. Since the 4th respondent happens to be in the management of the joint family, the property comprised in S.No.12/9 to an extent of 601/2 cents came to be purchased in the name of the 8th respondent his wife out of the joint family funds for the benefit of the joint family by means of registered sale deed dated 16.05.2013 and the same is also the subject matter of OS.No.102 of 2015 which is the suit for partition, attempted to transfer the property to 3rd parties to create encumbrance. A legal notice dated 23.06.2016 came to be caused to the respondents 2 and 3 intimating about the pendency of the above said suit for partition and requesting them not to entertain any request for registration of the said property in the name of the 3rd parties and also not to entertain any requests for change in revenue accounts.

5. The learned Government Advocate appearing for the respondents 1 to 3 by referring the counter affidavit submits that the writ petitioner has already filed a partition suit in OS.No.102 of 105 claiming 1/5th share in respect of the properties and also for a declaration that the sale deed dated 16.05.2013 executed by Mahamayee and other in four of Kalaiyarasi / 8th respondent herein as null and



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void. The said suit was dismissed by the trial Court and the petitioner has not filed any appeal challenging the same.

6. There is no representation for the petitioner and the issue has already been decided by the civil Court, this Court is not inclined to entertain this writ petition and accordingly, this writ petition is dismissed with liberty to the petitioner to work out his remedy before the competent civil Court. No costs.

09.10.2023

Internet: Yes / No
Index : Yes / No
NCC : Yes / No
dsk

To

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Tiruchirappalli.
2. The Tahsildar,
Tiruvarampur Taluk,
Tiruchirappalli District.
3. The Sub Registrar,
Sub Registrar Office,
Kailash Nagar,
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B.PUGALENDHI, J.

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