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W.P.(MD)No.28132 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.28132 of 2022

and

W.M.P(MD)No.22210 of 2022

G.Ayyalusamy

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Sattur, Virudhunagar District.

2.The Tahsildar,
Vembakkottai Taluk,
Virudhunagar District.

3.Kaliammal

4.Maheswari

5.Ayyammal

6.Sivakumar

7.Kaliraj

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to take action in accordance with law for rectifying the erroneous sub-division of Survey No.7/3 as survey Nos.7/3A and



7/3B at Servaikaranpatti, Vembakkottai Taluk, Virudhunagar District and cancel the Patta in Patta No.91 and 107 and grant Patta in accordance with actual enjoyment after conducting thorough enquiry within the time stipulated by this Court.

For Petitioner : Mr.M.Kannan
For R1 and R2 : Mrs.S.Jeyapriya
Government Advocate
For R3 and R4 : Mrs.S.Mahalakshmi

* * *

ORDER

Heard the learned counsel on either side.

2.Gurusamy Chettiar and Gopalsamy Chettiar had equal share in the petition mentioned properties. It appears that there was an oral partition between them. While the petitioner would claim that as per the division, Gurusamy Chettiar was to enjoy the eastern portion, the private respondents would claim that the northern portion was allotted to them. In other words, there is a divergence as regards the mode of division. It appears that the individual patta was issued in favour of the private respondents way back in the year 1984. Classification had also been done. The petitioner states that these changes were done without notice. The petitioner would also claim that the sub division was erroneously



done and that it should be rectified. The petitioner has given a representation in this regard to the first respondent. Obviously, the appeal by the petitioner has not been filed in time. The petitioner would contend that limitation would start running from the date of knowledge. Therefore, he has to necessarily file a condone delay petition in the appeal to be filed before the first respondent. It is for the first respondent to take a call in the matter. However, the first respondent will number the petitions, to be filed by the petitioner and after due notice to the respondents, take a call on merits and inaccordance with law.

3. With these observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

08.02.2023

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

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G.R.SWAMINATHAN,J.

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To:

- 1.The Revenue Divisional Officer,
Sattur, Virudhunagar District.
- 2.The Tahsildar,
Vembakkottai Taluk,
Virudhunagar District.

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