



W.P.No.6580 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.6580 of 2019
and
W.M.P.No.7407 of 2019

1.Shanmugapriya

2.Tamilselvi

... Petitioners

Vs.

1.The District Collector,
District Collector Office,
Tiruppur.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruppur.

3.The District Revenue Officer,
District Revenue Office,
Tiruppur.

4.The Tahsildar,
Tahsildar Office,
Udumalpet, Tiruppur District.

5.Subbe Gounder

6.Chockalingam



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7.Kaliappan
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8.Karichiya Gounder

9.Senthilkumar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the first to fourth respondents to rectify the Patta No.162, by removing the names of the fifth to ninth respondents as per the petitioners representation dated 24.09.2018.

For Petitioners : Mr.B.Gopalakrishnan

For Respondents :

For R1 to R4 : M/s.M.Jayanthy
Additional Government Pleader

For R5 : No Appearance

For R6 to R9 : Mr.V.Anandhamurthy

ORDER

This Writ Petition has been filed seeking for issuance of a mandamus, to direct the first to fourth respondents to rectify the Patta No.162, by removing the names of the fifth to ninth respondents as per the petitioners representation dated 24.09.2018.



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2. The case of the petitioners is that the subject matter property in S.F.No.84, Jilopannaickenpalayam Village, Udumalpet Taluk, Tiruppur District is the joint family property of the petitioners grandfather Subbe Gounder. The said Subbe Gounder and his brothers Ramasamy Gounder, Nallamuthu Gounder, Chinniya Gounder and Thangamuthu Gounder partitioned the property on 15.12.1966 through Doc.No.3842/1966 registered before the Sub Registrar Office, Udumalpet, Tiruppur District. After the demise of Subbe Gounder, again the property was partitioned on 24.02.1982 through Doc.No.878/1982 registered before the Sub Registrar Office, Udumalpet, Tiruppur District. After the partition, the petitioners father was enjoying the peaceful possession of the property and all the revenue records were also mutated in the name of the petitioners father. In the circumstances, the petitioners father executed a Settlement Deed in favour of the petitioners on 03.04.2017 and the same was registered vide Doc.Nos.2262 and 2263 of 2017 in the Sub Registrar Office, Udumalpet, Tiruppur District. After the Settlement Deed, the petitioners filed application before the fourth respondent for transferring of Patta, which was standing in the name of the petitioners father. But, the fourth respondent issued Joint Patta to the petitioners including the name of the fifth to ninth respondents. Immediately, the petitioners approached



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the first to fourth respondents and submitted all the relevant documents and requested to remove the names of the fifth to ninth respondents in the Patta.

The petitioners have also sent a representation to the first to fourth respondents on 24.09.2018 to rectify the Joint Patta No.162, by removing the names of the fifth to ninth respondents in the Joint Patta issued by the fourth respondent. Having received the representation, the first respondent sent communication in Ref.O.Mu.No.15238/2018/J1 dated 01.10.2018 to the fourth respondent to take appropriate action on the petitioners representation dated 24.09.2018. But, the fourth respondent did not take any appropriate action to rectify the Joint Patta.162 by removing the names of the fifth to ninth respondents as per the petitioners representation dated 24.09.2018. Hence the writ petition.

3. Learned counsel appearing for the petitioners submitted that the petitioners have given representation as early as 24.09.2018 to the first to fourth respondents and the same is not disposed of till date.

4. In view of the above submission made by the learned counsel appearing for the petitioners, the fourth respondent is directed to consider the representation dated 24.09.2018 of the petitioners, after giving notice to both



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parties, opportunity of personal hearing, to consider the documents submitted by both parties, on merits, in accordance with law and pass appropriate orders by observing the above principles of natural justice, within a period of three months from the date of receipt of a copy of this order.

5. This Writ Petition is disposed of with the above observations and directions. No costs. Connected Writ Miscellaneous Petition is closed.

09.07.2024

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

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To

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- 4.The Tahsildar,
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