



WP.No.35881 of 2024

In the High Court of Judicature at Madras

Dated : 03.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.35881 of 2024

R.Vedipaul

...Petitioner

Vs

1.The Collector, Dharmapuri
District Collectorate Campus
Dharmapuri.

2.The Sub-Collector
Dharmapuri District
Dharmapuri.

3.The Revenue Divisional Officer
Revenue Divisional Office
Dharmapuri.

4.The Tahsildar
Dharmapuri Taluk Office
Dharmapuri.

5.Ulagamadesh

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 2nd respondent to pass orders in O.Mu.4386/2021/A3 dated 06.9.2021 by cancelling the joint patta, which was issued to the petitioner and the 4th respondent jointly and bifurcate the patta in S/No.261/3C, situated at V.Muthampatti, Dharmapuri Taluk into two pattas by issuing one patta



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to the petitioner and another patta to the said 4th respondent.

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For Petitioner : Mr.G.K.Sekar
For R1 t R4 : Mr.A.Selvendran, SGP

ORDER

The petitioner's father owned ancestral properties at Veppilai Mathampatti Village, Dharmapuri Taluk & District and it was partitioned under a partition deed dated 24.4.1986 registered as doc.No.602 of 1986 on the file of the Sub-Registrar, Omalur, Salem District entered into among the sharers. The petitioner's father died on 19.2.1990 leaving behind him his wife - one Ms.Alamelu, his sons - the petitioner, one Mr.Ranganathan, one Mr.Murugan, one Mr.Narayanan, one Mr.Govindan, one Mr.Varadharajan and one Mr.Kannan.

2. Under the said partition deed dated 24.4.1986, the petitioner had been allotted the following lands :

*"The properties situate in Veppilai Village,
Dharmapuri Taluk & District bearing*

- (i) S.No.174/1 measuring acre 1.98 cents;*
- (ii) S.No.167/5 measuring acre 1.40 cents;*
- (iii) S.No.165/1C measuring acre 2.80 cents;*
- (iv) S.No.164/2B measuring acre 3.11 cents;*
- (v) S.No.162 measuring acre 8.34 cents;*
- (vi) S.No.139/2 measuring acre 2.84 cents."*



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3. It is the case of the petitioner that apart from the said properties, the following properties were being jointly enjoyed by all the brothers :

- "(i) S.No.170/1 measuring acre 4.22 cents;*
- (ii) S.No.170/4 measuring acre 0.55 cents;*
- (iii) S.No.261/3 measuring acre 3.68 cents;*
- (iv) S.No.261/2 measuring acre 1.30 cents."*

4. According to the petitioner, as regards the property comprised in S.No.261/2, patta was given for an extent of 1.30 cents whereas the land available in the said survey number was only 1 acre. Likewise, in respect of S.No.261/3C, which totally measures acre 3.68 cents, the petitioner and his brothers own 0.70 cents and the fifth respondent had right to the remaining portion. However, the patta issued would indicate that the entire extent belongs to the fifth respondent.

5. Hence, the petitioner sent a representation dated 22.6.2021 to the third respondent seeking to bifurcate the patta given in the name of the fifth respondent and issue a separate patta. He also sent a representation to the second respondent on 27.8.2021. Pursuant to that, by proceedings dated 06.9.2021, the second respondent directed



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the fourth respondent to conduct an inquiry and a survey in respect of S.No.261/C. Since the fifth respondent is attempting to take advantage of the patta granted to him, the petitioner has filed this writ petition seeking a direction to the second respondent to pass orders pursuant to the said proceedings dated 06.9.2021 by cancelling the patta issued in favour of the fifth respondent for the entire extent and bifurcate the patta in respect of S.No.261/2C.

6. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for respondents 1 to 4.

7. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the second respondent to conclude the proceedings in Oo.Mu.4386/2021/A3 dated 06.9.2021 by passing appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. No costs

03.12.2024

RS



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P.T.ASHA,J

RS

To

- 1.The Collector, Dharmapuri
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